

ORDER ON IA-III

The Decree Holder has filed an application under section 32 of Registration Act r/w section 151 of CPC and thereby prayed for the issuance of direction to the Sub-Registrar, Belagavi to make an endorsement on the documents as null and void and not binding on the plaintiff / Decree Holder.

2. In the affidavit filed along with the present application the Decree Holder has sworn to the facts that he has instituted a suit for the relief of Specific Performance of Contract which bears No.1009/2013 and which came to be decreed on 05/03/2016. Wherein the Court has declared that document bearing Registration No.5908/2010-11 and 5910/2010-11 which were registered before the Sub-Registrar as null and void and not binding on the plaintiff / Decree Holder. In view of the said declaration it is necessary to make an endorsement on the document maintained by the Sub-Registrar. If at all if this work has not done anybody can take a disadvantage of the said registered document by way of secondary evidence and cause hardship to the plaintiff/Decree Holder. If this present application is allowed no prejudice will cause to the other side. On the other hand it may cause irreparable losses and hardship to

the plaintiff/ Decree Holder. On these grounds he prayed to allow the present application.

3. As the Judgement Debtor remained absent in this Execution Petition, the question of objection for this application on his behalf does not arise.

4. Heard the learned counsel for the Decree Holder. Perused the material placed on record carefully.

5. The Decree Holder/plaintiff has filed the present application for the issuance of directions to the Sub-Registrar to make an endorsement on the two registered documents. The counsel for the Decree Holder has contended that this Court has by way of judgement and decree has declared that the above said documents are null and void and not binding on him. The point to be considered here is that when the Court has declared very specifically that the above mentioned registered documents are null and void and not binding on the plaintiff, it is the duty of the plaintiff / Decree Holder to place the certified copy of the judgement and decree with necessary application before concerned Sub-Registrar to make such endorsement on the said documents. But the plaintiff / Decree Holder nowhere in the application as well as in the affidavit has stated that he has made an attempt to that effect. In order to make any endorsement over the registered documents the certified copy of the order passed

by the Court is sufficient for the Sub-Registrar. Hence it appears to the Court that there is no necessity to issue a separate direction to the Sub-Registrar. From the above discussion, the application filed by the Decree Holder deserves to be dismissed. Hence this court proceed to pass the following:

ORDER

The IA-III filed by the Decree Holder is
hereby dismissed.

Sd/-

(Smt. Vinutha B.S.)
IV Addl. Civil Judge & JMFC, Belagavi.