

The suit is filed by the plaintiff in respect of an agreement for sale dt.17/11/2018 pertaining to suit schedule properties, seeking to declare the agreement as null and void and to declare it as canceled and to issue mandatory injunction directing the sub registrar, T. Narasipura to remove the entries in respect of the said registered agreement from book no.1 of the said sub registrar.

The Court has expressed its doubt as to territorial jurisdiction of this Court to try the present suit, for the registered agreement regarding which the declaration and cancellation is prayed for, is registered at T. Narasipura but not at Nanjanagud. This court having territorial limits in respect of Nanjanagudu Revenue Taluk limits, but not in respect of T. Narasipura Taluk and the relief is being only for the cancellation of document, it appeared as if the suit is beyond the territorial limits of this court.

Towards the said doubt expressed by court, the learned counsel for the plaintiff has relied upon the decision of the Honourable High Court of Kerala in FAO No.102/2010(Aravindaraja Vs D. Aravindakshan) dt.2/11/2010, wherein the Honourable High Court is held that Sec.20 of CPC is a residually provision as held in the decision of Harshad Chiman Lal Vs. DLF Universal Ltd., by the Honourable Apex court and the suit for cancellation of document is undoubtedly

a suit in respect of right over immovable property, as the document unless cancelled would cast a cloud on the right of the plaintiff over the immovable property.

Taking guidance from the said decision, prima facie, the doubt expressed is clarified and hence the matter is taken up for hearing on I.A.

Heard the learned counsel for the plaintiff. For orders 9/8/2019.

Senior Civil Judge & J.M.F.C.,  
Nanjanagudu.