

CANCELLATION ((SECTIONS 31-33))

Section 31 of the Specific Relief Act, 1963 deals with the circumstances in which cancellation of a written instrument may be ordered. The section provides the following provisions:

- **Grounds for Cancellation:** Any person against whom a written instrument is void or voidable, and who has reasonable apprehension that the instrument, if left outstanding, may cause serious injury, may file a lawsuit seeking to have the instrument declared void or voidable. The court has the discretion to adjudicate the instrument as void or voidable and order its delivery and cancellation.

- **Effect on Registered Instruments:** If the instrument has been registered under the Indian Registration Act, 1908, the court must send a copy of its decree to the officer in whose office the instrument has been registered. The officer will then note the cancellation of the instrument in their records.

Section 32 states that in cases where an instrument is evidence of different rights or obligations, the court may, in an appropriate situation, partially cancel the instrument and allow it to remain valid for the remaining parts.

Section 33 deals with the power of the court to require the restoration of benefits or compensation when an instrument is cancelled or successfully resisted as void or voidable.

- **Cancellation of Instrument:** When an instrument is cancelled by the court, the court may require the party receiving relief to restore any benefit received from the other party and make any compensation as deemed just by the court.

- **Successful Resistance:** If a defendant successfully resists a suit on the ground that the instrument sought to be enforced against them is voidable or that the agreement sought to be enforced is void due to their incapacity to contract, the court may require the defendant to restore any benefit received under the instrument or agreement to the other party, to the extent that they have benefited from it.

These sections provide the legal framework for the cancellation of written instruments. They allow individuals to seek the cancellation of void or voidable

instruments that may cause them harm, and provide the court with the power to order the delivery, cancellation, and restoration of benefits or compensation.