



the lease deed dated 26.04.1940 by the Zamindar, including the right to transfer total or part of the land. The legal heirs of late Tulsi Das entered into an agreement to sell, dated 05.11.1991, in favour of the petitioner(s), which was registered. This culminated in a sale deed, dated 24.12.1992. Unfortunately the vendors being the legal heirs of late Tulsi Das were faced with an injunction order, dated 03.02.1992 after execution of agreement to sell and thus, the question arose whether the subsequent sale deed could be registered. The most important fact is that the right of the plaintiff was to collect rent and the suit filed for declaration was dismissed, which has been sustained throughout.

In view of the aforesaid scenario, we find that there is no occasion for the second appellate authority in review or the High Court to go into the question of the validity of the sale deed, dated 24.12.1992 as that was not the subject matter of those proceedings. An observation made on that behalf would tend to prejudice the petitioners when the suit itself has been dismissed. The observations are set aside.

We thus, clarify the aforesaid position and find that there is no other aspect to be examined in the SLPs.

The special leave petitions are dismissed.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[BEENA JOLLY]  
COURT MASTER (NSH)

- The cause title be updated.