

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No.19407 of 2017

RAM PRAVESH SINGH & ORS.

Appellant(s)

VERSUS

INDRAJIT SINGH & ORS.

Respondent(s)

O R D E R

1. The appellants before us, presently, are defendant Nos. 1 and 7 and the legal representatives of deceased defendant No.2 in Title Suit No.24 of 1999 on the file of the learned Munsiff, Sheohar at Sitamarhi. The said suit was dismissed on 30.11.2005 but, on appeal in Title Appeal No.1/06,8/07 by the plaintiff therein, viz., respondent No.1 in this appeal, the learned Additional District Judge, FTC - I, Sheohar at Sitamarhi, reversed the said judgment and decreed the suit. The second appeal preferred by the appellants herein was dismissed by the High Court of Judicature at Patna, *vide* the impugned judgment dated 09.05.2013. Hence, this appeal.

2. Having heard the learned counsel appearing for the parties and upon perusing the material on record, we find that the suit for declaration of title and recovery of possession filed by respondent No.1 herein was decreed on the strength of the registered sale deed dated 21.03.1998 executed in his favour by the rightful owners of the suit property. On the other hand, the appellants relied upon alleged oral sales of the said property in favour of their predecessors-in-title about 75 years ago. It was their contention that such oral sales would be valid in the eye of law, in terms of

the provisions of the Transfer of Property Act, 1882. According to them, the sale consideration at that point of time was less than ₹100/- and, therefore, there was no requirement to register a written document for lawful and valid conveyance of title.

3. However, it is an admitted fact that the appellants did not choose to lead any evidence despite the fact that they had filed their written statements in the suit. The suit in question was initially dismissed for default on 25.06.2002 but was restored to the file on 24-08-2002. The Trial Court's judgment records that defendant Nos. 1 and 2 appeared in Court after such restoration on 03-12-2004, though the other defendants did not choose to do so despite a gazette publication. No evidence whatsoever was adduced in support of the defendants' stand. Therefore, the learned Additional District Judge, in exercise of appellate jurisdiction, accepted the registered conveyance deed whereunder the plaintiff/respondent No.1 sourced his title and suit claim.

4. In the absence of acceptable evidence to buttress their stand, the appellants cannot maintain their claim on the strength of alleged oral sales of the suit property which were never substantiated so as to defeat the registered title document of the plaintiff/respondent No.1.

5. We, therefore, find no grounds to interfere with the cogent and well-reasoned findings of the learned Additional District Judge, Sheohar at Sitamarhi, and the High Court of Judicature at Patna, confirming the same.

6. The Civil Appeal is bereft of merit and is accordingly dismissed.

7. Pending applications, if any, shall also stand dismissed.
8. Parties shall bear their own costs.

.....J  
(SANJAY KUMAR)

.....J  
(UJJAL BHUYAN)

NEW DELHI  
20TH MARCH, 2024.

ITEM NO.110

COURT NO.15

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 19407/2017

RAM PRAVESH SINGH &amp; ORS.

Appellant(s)

VERSUS

INDRAJIT SINGH &amp; ORS.

Respondent(s)

(IA No. 198517/2023 - STAY APPLICATION)

Date : 20-03-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Ms. Sharmila Upadhyay, AOR

For Respondent(s)

Mr. Rajiv Shankar Dvivedi, AOR

Mrs. Arti Dvivedi, Adv.

Mr. S.k. Sarkar, Adv.

Mr. Rishabh Jain, Adv.

Mr. Abinash Kumar, Adv.

Mr. Bhushan, Adv.

Mr. Hemant Sharma, Adv.

Ms. Aakanksha Tiwari, Adv.

Mr. Ashutosh Bansal, Adv.

Mr. Rahul Tiwari, Adv.

Mrs. Priyanka Dwivedi, Adv.

Mr. Gyanendra Kumar Pandey, Adv.

Mr. Shiv Sagar Tiwari, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. The Civil Appeal is dismissed, in terms of the signed order.
2. Pending applications, if any, shall also stand dismissed.

(VISHAL ANAND)

ASTT. REGISTRAR-cum-PS

(MAMTA RAWAT)

COURT MASTER (NSH)

(Signed Order is placed on the file)