

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3400 OF 2017

GAYATRI KUJUR & ORS.

Appellant(s)

VERSUS

HALIMA KHATOON(DEAD) THR. LRS.  
AND ORS.

Respondent(s)

**ORDER**

Heard learned counsel appearing for the appellants and the respondents.

This Court, in the order passed on 21<sup>st</sup> February, 2017 had formulated the legal issue involved in this appeal in following terms, as it would appear from the said order:-

*"Mr. Khanna, learned senior counsel appearing for the petitioners, has raised a pure legal issue to the effect that registration of sale deed in question was not valid as the property is situated at Chaibasa, Jharkhand (earlier part of Bihar) whereas the sale deed was registered in Calcutta (now Kolkata). He further points out that insofar as the factum of registration of sale deed at Calcutta is concerned, it is not a disputed fact and is even recorded by the Trial Court."*

When the appeal is taken up for hearing, learned counsel for the respondents brings to our notice Section 30 of the Registration Act, 1908 prior to its amendment in the year 1991 [the

Registration(Bihar Amendment) Act, 1991] by the State of Bihar stipulated:-

*"30. Registration by Registrar in certain cases- (1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.*

*(2) The Registrar of a district in which a Presidency-Town is included and the Registrar of the Delhi district may receive and register any document referred to in Section 28 without regard to the situation in any part of India of the property to which the document relates."*

Thus, the registration of the subject-property in Calcutta cannot be held to be a case of invalid registration only for the reason of the deed being registered in Kolkata (Calcutta at the material point of time).

The appellants have failed in the Trial Court, 1<sup>st</sup> Appellate Court as also in the High Court. Barring this issue, this Court also did not consider any other point of law on which the present appeal could be entertained. In these circumstances, we dismiss the appeal.

Considering the fact, however, that the appellants and/or their predecessors claim to be in possession of the subject-property for over five decades, we give them one and half years' time to vacate the subject-property. For this purpose, an

undertaking in the form of an affidavit shall be filed before the Registry of this Court within a period of four weeks from today to the effect that they will vacate the subject-property within 1<sup>st</sup> May, 2025. If such an affidavit is not filed within a period of four weeks, it shall be open to the respondents to execute the decree.

The present appeal stands dismissed subject to the aforesaid observations.

Pending application(s), if any, shall also stand disposed of.

.....J.  
[ANIRUDDHA BOSE]

.....J.  
[SANJAY KAROL]

NEW DELHI;  
NOVEMBER 01, 2023.

ITEM NO.107

COURT NO.6

SECTION XVII

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. 3400/2017

GAYATRI KUJUR &amp; ORS.

Appellant(s)

VERSUS

HALIMA KHATOON(DEAD) THR. LRS. AND ORS.

Respondent(s)

Date : 01-11-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE SANJAY KAROLFor Appellant(s) Mr. Anand, Adv.  
Mr. Rajeshri Nivuratirao Reddy, AOR  
Dr. Sushil Balwada, AORFor Respondent(s) Mr. Ejaz Maqbool, AOR  
Ms. Akriti Chaubey, Adv.  
Mr. Saif Zia, Adv.UPON hearing the counsel the Court made the following  
O R D E R

The present appeal stands dismissed in terms of the signed order in terms of the signed order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)  
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)  
ASSISTANT REGISTRAR