

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

RSA No.2 of 2020

Kakhulin Dangmei

.... *Petitioner/s*

- Versus -

Dongkhopao Haokip

.... *Respondent/s*

**BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN**

16.3.2020

The second appeal is admitted for the following substantial question of Law:-

- (i) *Whether by the complete failure/omission of both the trial Court and the first appellate Court to take notice of or to look into the factum of non-admission of the DEED OF GIFT dated 05.10.2007 Exbt. B/4 by the three Donors and by the purported admission of the same deed of Gift only by the Donee No.1 Thengkhogin Haokip with non-production/non-examination of the two so-called attesting witnesses, the document deed of Gift Exbt. B/4 is void ab initio or invalid as being violative of Section 34(1), (3) (a) (b) of the Registration Act, 1908 and Section 123 of the Transfer of Property Act, 1882 ?*
- (ii) *With regard to the statement of defendant-respondent No.1 (DW No.1) made in his Affidavit (in-chief statement) para No.3 giving different date/year of execution and registration of the deed of Gift to be in the year 2002 with different name of one of the three donors/executants of the same deed to be " Tongkhopao Haokip", whether the observation of the Courts below, "it is because the Counsel who drafted the pleadings was not careful" and the further observation that " it bears the signature of the Registrar, Henglep who is Public Officer and had registered the gift deed in discharge of his public duties and there is presumption of the execution unless the contrary is proved" are reasonable and acceptable as on the context/facts and the circumstances of the case?*
- (iii) *Whether the transfer and the registration of the Sale Deed dated 15.2.2001 in respect of the suit-land by the*

former Chief of Kokodan Village was with the resolution dated 31.1.2001 of the General Body Meeting of the Kokodan Village Authority(PEIKAI) as stated in the deed of sale itself or whether the same statement about the resolution of the PEIKAI as mentioned in the deed is enough and sufficient by itself of the authority of the PEIKAI given to the vendor for transfer of the suit land to the vendee?

- (iv) *Whether the Courts below are right and reasonable to accept or to hold a deed of Gift Exbt.B/4 as authentic and/or as genuine by itself without prove of its execution and registration but only by presumption or imagination as has been so done by the Courts below in the present case?*

Notice to the respondents.

Registry is directed to call for the records and prepare paper book and post the matter on 27.4.2020.

JUDGE

John Kom