

Date: November 29, 2017

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. M.M. Ranjan, Senior Advocate with
Mr. Ashutosh Sharma, for the petitioner.

Mr. M.M. Ranjan, learned Senior Advocate appearing with Mr. Ashutosh Sharma on behalf of petitioner submits that the impugned order dated 24-11-2017 is vitiated for having refused to admit the agreement to sell dated 22-12-1992 in evidence on the ground of it being unregistered and under stamped. He submitted that in so doing the trial court has overlooked the proviso to Section 49 of the Registration Act, 1908 and also Section 35 of the Rajasthan Stamp Act, 1998. He submitted that under stamping of a document sought to be relied upon can be cured by resort to Section 35 of the Rajasthan Stamp Act, 1998 and an agreement to sell qua an immovable property used for filing a suit for specific performance is not required to be registered.

Issue notice on petition as well as stay application. Rule is made returnable within four weeks.

List the case on January 4, 2018.

Till then further proceedings before the trial court in the petitioner- plaintiff's suit for specific performance No.157/2002 (33/2001) shall remain stayed.

(Alok Sharma), J.

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All corrections made in the order have been
incorporated in the order being emailed.

Arun Kumar Sharma, Private Secretary.