

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>28.09.2022</u>		<p>SA No.101 of 2022 <u>Hon'ble Alok Kumar Verma, J.</u></p> <p>The present proposed Second Appeal has been filed against the judgment and decree dated 22.07.2022, passed by the 1st Additional District Judge, Kashipur, District Udham Singh Nagar in Civil Appeal No.1 of 2022, "Smt. Qamar Jahan vs. Buadutta" by which, the said appeal, filed by the present appellant, has been dismissed. The said appeal was filed against the judgment and decree passed by the learned trial Court, whereby the original suit, filed by the present appellant-plaintiff was dismissed.</p> <p>Heard Mr. T.A. Khan, the learned Senior Advocate assisted by Mr. Mohd. Sahfy, the learned counsel for the appellant.</p> <p>The learned Senior Advocate submitted that the alleged sale deed was executed on 08.03.2006 by Mr. Maqbool Ahmad in the capacity of attorney of Mr. Lallu Khan. The said document was produced before the concerned Registrar. However, the said documents was registered only on 28.06.2011. Meanwhile, legal heirs of Mr. Lallu Khan had executed a sale deed of the same property in favour of the appellant on 21.06.2010 and the said deed was registered on the same day.</p> <p>The learned Senior Advocate submitted that the concerned Registrar had no jurisdiction to register the said deed dated 08.03.2006 after lapse of more than five years.</p>

The present Second Appeal is admitted on the following substantial questions of law: -

- (i) Whether the document in question, which had been executed by the attorney of the vendor on 08.03.2006 could be registered after an interval of five years on 28.06.2011 and even after the death of the said vendor and attorney?
- (ii) Whether the Sub-Registrar can retain a document with him for the purpose of registration for a period of five years?

Issue notice to the respondent.
Steps to be taken within a week.
List this case on 06.12.2022.

In the facts and circumstances of the case, both the parties are restrained to create any third party interest over the property-in-question till the next date of listing.

(Alok Kumar Verma, J.)
28.09.2022

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