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SLP(C)No. 1969 OF 2002

ITEM No.16

Court No. 5

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.1969/2002

(From the judgement and order dated 25/10/2001 in RSA 4050/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GURBAX SINGH

Petitioner (s)

VERSUS

KARTAR SINGH & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 11/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s) Mr. Vipin Gogia, Adv.
Ms. Jaspreet Gogia, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

The Special Leave Petition is dismissed.

.SP1

(S. Thapar)
PS to Registrar

(Janki Bhatia)
Court Master

The signed order is placed on the file.

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 1969 OF 2002@@
CC

Gurbax Singh Appellant (s)

Versus

Kartar Singh & Others Respondent (s)

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.....J
.SP2

Heard learned counsel for the petitioner.

Jarnail Singh, respondent No.2, executed two documents of sale (Exs.P-2 and D-1) on November 25, 1991. Having regard to the findings of the courts below that Ex.P-2 was executed earlier than Ex.D-1 and having noted that Ex.P-2 in favour of the first respondent was executed at 10.00 a.m. and it was not shown when Ex.D-1 was executed in favour of the petitioner, the High Court, vide its order dated October 25, 2001, in RSA No.4050 of 1999 confirmed the concurrent finding of the courts below holding that Ex.P-2 prevails over Ex.D-1 and thus dismissed the second appeal. It is against the said order that this Special Leave Petition is filed.

-2-

In view of the provisions of Section 47 of the Registration Act, 1908 it is well-settled that a document on subsequent registration will take effect from the time when it was executed and not from the time of its registration. Where two documents are executed on the same day, the time of their execution would determine the priority irrespective of the time of their registration. The one which is executed earlier in time will prevail over the other executed subsequently. In view of the concurrent findings, referred to above, the High Court has rightly held that Ex.P-2 prevails over Ex.D-1. We find no illegality in the order of the High Court warranting our interference under Article 136 of the Constitution of India. Accordingly, the Special Leave Petition is dismissed.

.SP1
.....J
(Syed Shah Mohammed Quadri)

New Delhi
February 11, 2002

.....J
(Bisheshwar Prasad Singh)