

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6740-6741 OF 2013

Jaykishore & Anr.Appellants

Vs.

M/s. Mahaveer Theatres Company & Ors.Respondents

O R D E R

Nathusa (survived by his legal heirs viz.respondent Nos.2 to 6) is stated to have inducted one Ghasi Ram into the suit property. Ghasi Ram had certain income tax dues for which an auction took place and the appellants are the legal representatives of the auction purchaser.

Regular Civil Suit No.260 of 1975 was filed on 18th April, 1975 by the legal heirs of Nathusa in the Senior Division at Amravati pleading that Ghasi Ram had no interest title in the property. The Trail Court decreed the suit on 27th July, 1984. Appeal was preferred against the decree. Learned Additional District Judge, Amaravati vide judgment dated 31st March, 1992 found in favour of the appellants holding that the name of Ghasi Ram was mutated in the land records as occupier and thus, there was a permanent grant in his favour.

Second Appeal was preferred by the legal heirs of Nathusa on the ground that there was no registered document which could confer title on Ghasi Ram. There was stated to be no permanent grant and thus, Income Tax Department could not have auctioned property as Ghasi Ram at best was a licensee without any licence fee. This plea found favour with the High Court in Second Appeal in terms of the impugned judgment dated 17th April, 2008.

Heard learned counsel for the parties.

It cannot be disputed before us that there is no registered document executed in favour of the appellants. It is trite to say that if so called entitlement of the appellants was in the nature of a gift, it would have to be written document duly registered as it dealt with in immovable property. In case of any other nature of instrument for consideration, it is both required to be stated as to what is the consideration and registered document has to be executed. The case of the appellants themselves is that there is no consideration as such paid, but it is in the nature of grant without consideration.

We are of the view that such a plea cannot be accepted as there cannot be a different nature of an oral transfer which is not covered either by sale, lease, licence, gift or for that matter grant, where there is no consideration except in the case of a gift where once again a registered document attested by two witnesses is the requirement.

In our view, the impugned order does not call for any interference. We, accordingly dismiss the appeals. Parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M. JOSEPH]

New Delhi;
August 28, 2019.

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

Civil Appeal No(s). 6740-6741/2013

JAYKISHORE & ANR.

Appellant(s)

VERSUS

M/S.MAHAVEER THEATRES COMPANY & ORS.

Respondent(s)

(PART-HEARD BY HON'BLE SANJAY KISHAN KAUL AND HON'BLE K.M.
JOSEPH ,JJ.)

Date : 28-08-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPHFor Appellant(s) Mr. Ajay Majithia,Adv.
Mr. Satyajit A Desai,Adv.
Ms. Anagha S. Desai, AORFor Respondent(s) Ms. Meenakshi Arora,Sr.Adv.
Mr. Rohit Rathi,Adv.
Mr. Apoorv Kurup, AORMr. Zoheb Hossain,Adv.
Mr. Kumar Shashank,Adv.
For Mrs.Anil Katiyar, AOR
For Mr. Mukesh Kumar Maroria, AORUPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

The appeals are dismissed in terms of the signed
order.Pending application, if any, shall also stand
disposed of.(ANITA MALHOTRA)
COURT MASTER(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file.)