

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.813 of 2010

IN

Civil Writ Jurisdiction Case No. 10188 of 2003

Durga Prasad Das @ Durga Prasad Dhobi, S/o Late Letar Dhobi, R/o Vill Gorkatti,
P.S. Goh (Uphara), District-Aurangabad (Bihar). Appellant.

Versus

1. The State of Bihar.
2. The Collector, Aurangabad (Bihar).
3. The Registrar, Registry Office Aurangabad, (Bihar).
4. The Sub-Registrar, Registry Office, Daudnagar, Aurangabad (Bihar).
5. Smt. Radhika Devi, W/o Sri Surjdeo Prasad, Residing At Vill-Gorkatti, P.S. Goh(Uphara), District-Aurangabad (Bihar).
6. Smt. Pramila Devi, W/o Sri Dinanath Prasad, Residing At Vill-Gorkatti, P.S. Goh (Uphara), District-Aurangabad (Bihar).
7. Smt. Sita Devi, W/o Sri Prabhunath Prasad, Residing At Vill-Gorkatti, P.S. Goh(Uphara), District-Aurangabad (Bihar)
8. Smt. Kalawati Devi W/O Sri Kamaldeo Prasad Residing At Vill -Gorkatti, P.S.Goh(Uphara), District-Aurangabad. Respondents.

Appearance :

For the Appellant : Mr. Ram Chandra Prasad Bharti, Adv.

For the Respondents : Mr. Surendra Kumar Singh, Sr. Adv.

Mr. Praveen Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 29-07-2015

Having heard learned counsel for the appellant,
learned counsel for the contesting respondents and gone
through the judgment of the learned Single Judge, we find
no reason to interfere in the matter and we agree with the
order of the learned Single Judge. The learned Single Judge
had considered all aspects of the matter in great detail.

Learned counsel for the appellant states that
contrary to what is written in the document and contrary to

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his own handwritten statement in the said document, he had not received any part of the consideration money.

In our view, in view of the principles enshrined in Section-92 of the Indian Evidence Act, no such oral evidence can be accepted as against the terms written in the document of sale. It is then urged that the Collector had no jurisdiction in the matter while the matter was still pending adjudication before the District Sub-Registrar. We cannot accept this submission inasmuch as when the District Sub-Registrar failed to issue summons, the matter was taken to the District Collector in appeal. It is then submitted that the proceedings was barred by limitation. We again do not agree with submission, in view of the finding as recorded by the learned Single Judge who has clearly noticed that though the document of sale was executed it could not be presented for registration because of strike in the State as also in the office of the Registrar. When the strike was over, it was duly presented but, in the meantime, the appellant managed to sell the property (to respondent nos.8 and 9) who were deleted from the proceedings before this Court.

Thus, while agreeing with the order of the learned



Single Judge, we do not find any merit in this appeal. It is, accordingly, dismissed. Any interim order passed in this case shall stand revoked.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Trivedi/NAFR

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