

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.712 OF 2012

*(Smt. Hemlata Vilas Ubale and others Vs. Tatyaba Appaji Kilekar since deceased thr. his
LRs. Balasaheb Tayaba Kolekar and another)*

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's orders.

Shri Uday P. Warunjikar, Advocate for Appellants.

CORAM: R.K. DESHPANDE, J.

DATE: 29th JULY, 2015.

In Civil Appeal No.750 of 2006 the Lower Appellate Court has reversed the decree passed by the Trial Court for specific performance of re-conveyance and the suit has been dismissed by judgment and decree dated 20.10.2010. The Lower Appellate Court has held that the agreement of re-conveyance which is dated 31.12.1986 at Exh.36 was not enforceable in law on the ground that it was an unregistered document. The Court has relied upon the Division Bench judgment of this Court in *Gajanan Narayan Patkar v. Jivangiri Chamelgiri* reported in 1925 Bom. L.R. 1465 in which it has been held that the unregistered document could not be made the foundation for specific performance of contract. If the document is unregistered it becomes inadmissible in evidence and whether the Lower Appellate Court considered it to be unenforceable in law would hardly make any difference. Thus, no substantial question of law arises in this second appeal. The second appeal is dismissed.