

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12556 of 2014

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Md. Khurshid Alam Son of Late Kudrat Ali resident of Mohalla Khankhan, Bara in
the front of Islam Bakary, Police- Station Basim Bazar, District- Munger,

.... Petitioner/s

Versus

1. Md. Firoj Son of Md. Fakira resident of Mohalla Khankah Bara, Police
Station- Kashim Bazar, District- Munger.
2. Urmila Devi Wife of Sri Surya Narayan Prasad resident of Koura Maidan
between Bazar, Police Station Kasim Bazar, District- Munger.
3. Rajesh Kumar Son of Sri Surya Narayan Prasad resident of Koura Maidan
between Bazar, Police Station Kasim Bazar, District- Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-09-2016

Heard learned counsel for the petitioner, and the
respondents.

Questioning the legal sustainability of the impugned order
by which the learned court below has turned down the prayer for
rejection of the plaint as made by the defendant under Order 7 Rule 11
C.P.C., the present application has been filed under Article 227 of the
Constitution of India.

The plaintiffs have filed the suit for specific performance
of contract. The defendants filed the petition for rejection of the plaint
on the ground that the agreement for sale which was the basis of the suit



was not a registered document and, therefore, the plaint was fit to be rejected. The learned court below has rejected the said petition after taking into notice the provision of the law and the facts and circumstances of the case.

Learned counsel for the respondents has categorically pointed that in view of the provision as contained in Section 49 of the Registration Act the suit for specific performance of contract can be based upon an unregistered agreement for sale. The perusal of the impugned order demonstrates that the same has been passed in view of the relevant provision of law and after taking into notice the facts of the case. This Court therefore does not find any illegality or perversity in the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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