

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1487 of 2016

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Awadhesh Kumar Jhunjhunwala S/o Late Radhe Krishna Jhunjhunwala, R/o
Sujaganj, D.N. Singh Road, P.O. and P.S.- Kotwali, District- Bhagalpur (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the District Registrar, Bhagalpur, P.O. and P.S.-
Bhagalpur, District- Bhagalpur (Bihar)
2. The District Sub-Registrar, Bhagalpur, P.O. and P.S.- Bhagalpur, District-
Bhagalpur (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan, Advocate

For the State : Mr. Subodh Kr., AC to SC 26

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 14-09-2017

Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the following
reliefs:

*“ That in the instant writ application the petitioner
prays for issuance of an appropriate
writ(s)/order(s)/direction(s) commanding upon the
respondents to show cause as to why the act of not
registering the deed of gift dated 21.09.2004
executed by Sri Radha Krishna Jhunjhunwala in
favour of Sri Awadhesh Kumar Jhunjhunwala (the
petitioner) be not declared as illegal and arbitrary*

AND

be further pleased to issue writ of mandamus



commanding upon the respondents to register the said deed of gift dated 21.09.2004 executed by Sri Radha Krishna Jhunjunwala in favour of Sri Awadhesh Kumar Jhunjunwala (the petitioner)

AND

any consequential benefits which the petitioner is entitled to by imparting conscionable justice, equity and fundamental fair play.”

3. From the counter affidavit, it transpires that though the Deed of Gift was executed on 21.09.2004 by the father of the petitioner in his favour but the same was presented for registration only on October, 2015 and in the meantime on 29.09.2009, the father of the petitioner, who was the donor, passed away. Thus, the Registering Authority called upon the petitioner to come with relevant material to show the *bona fide* and authenticity of the Deed of Gift.

4. The doubt raised in the mind of the Registering Authority with regard to the authenticity and genuineness of the Deed of Gift, in the aforesaid background and timeframe, cannot be said to be *mala fide* or imaginary. The time of execution of the date, death of the donor and the presentation for registration do raise *bona fide* and genuine doubts which are required to be cleared by the petitioner in accordance with law.

5. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty



to him to satisfy the Registering Authority, i.e., the respondent no. 2 with regard to the authenticity and genuineness of the Will in question.

6. Learned counsel for the State does not oppose.

7. In view thereof, the writ petition stands disposed off with liberty aforesaid.

8. In the event the petitioner brings material before the respondent no. 2 to demonstrate that the Will in question is authentic and genuine, the respondent no. 2 shall look into the same and if he is satisfied that the same is worth relying upon, he shall take necessary steps, in accordance with law, with regard to registering the said Deed of Gift.

9. If the petitioner moves before the respondent no. 2 in the aforementioned terms within one month from today along with all relevant documents/evidence, the respondent no. 2 shall pass appropriate orders, in accordance with law, within the next two months thereafter.

(Ahsanuddin Amanullah, J)

Anjani/-

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