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Ct-08

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SAT 204 of 2015
with
I.A No. CAN 1 of 2016(Old CAN No. 6601 of 2016)

Rakha Hari Pal
Vs.
Mousumi Chattopadhyay & Ors.

Mr. Samiran Mandal
Mr. Nitish Samanta
Mr. Abhinaba Das
... For the Appellant

The appeal is arising out of judgment and decree passed by the learned Additional District Judge (Re-designated) on 24th February, 2015.

Learned counsel representing the appellant submits that the appeal may be admitted as the agreement was unregistered and there was a time stipulated in the agreement.

The trial court and the first appellate court have rightly held that the agreement for sale does not create any right, title and interest in the property and the same is not required to be registered. In any event, the said document is inadmissible under Section 49 of the Registration Act. Moreover, having regarding to the evidence of the appellant where they had unequivocally stated that they were not willing to execute the evidence in spite of having acknowledgment of the receipt of the consideration amount, which otherwise could be evident from the recitals in the document, we are not inclined to admit the second appeal. The second appeal does not involve any substantial question of law.

The appeal accordingly fails.

The second appeal is, therefore, summarily dismissed under Order XLI Rule 11 of the Code of Civil Procedure at the admission stage.

In view of dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 6601 of 2016 and the same is accordingly dismissed.

There will be no order as to costs.

(Uday Kumar ,J.)

(Soumen Sen, J.)