

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1195 of 2019

In

Civil Writ Jurisdiction Case No.3869 of 2018

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Giridhar Kumar Jhunjhunwala son of Late Radha Krishna Jhunjhunwala
resident of Sujaganj, D.N. Singh Road, P.S. Kotwali, District- Bhagalpur
presently residing at B- 601, Royal Garden, Kavi Raman Path, Nageshwar
Colony, Near BSNL Tower, P.S. Budha Colony, P.O. GPO, Patna- 800001.

... .. Appellant/s

Versus

1. The State of Bihar
2. The District Registrar, Bhagalpur, P.O. and P.S. and District Bhagalpur.
3. The District Sub- Registrar Bhagalpur P.O. and P.S. and District Bhagalpur.
4. Awadhesh Kumar Jhunjhunwala son of Late Radha Krishna Jhunjhunwala
resident of Sujaganj, D.N. Singh Road, P.S. Kotwali, District- Bhagalpur.

... .. Respondent/s

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with

Letters Patent Appeal No. 86 of 2020

In

Civil Writ Jurisdiction Case No.3869 of 2018

- =====
1. The State Of Bihar.
 2. The District Registrar, Bhagalpur, P.O. and P.S. Bhagalpur, District
Bhagalpur, Bihar.
 3. The District Sub-Registrar, Bhagalpur, P.O. and P.S. Bhagalpur, District
Bhagalpur, Bihar.

... .. Appellant/s

Versus

Awadhesh Kumar Jhunjhunwala, Son of Late Radhe Krishna Jhunjhunwala,
Resident of Sujaganj, D.N. Singh Road, P.O. and P.S. Kotwali, District
Bhagalpur, Bihar.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 1195 of 2019)

For the Appellant/s : Mr. Gautam Kumar Kejriwal, Advocate
Mr. Mukund Kumar, Advocate
Mr. Akash Kumar, Advocate
Mr. Aditya Raman, Advocate



For the State : Mr. Manish Kumar, Advocate
AC to Ex AAG 6 (In-charge AAG 5)
For Private Respondent : Mr. Shailendra Kumar Jha, Advocate

(In Letters Patent Appeal No. 86 of 2020)

For the Appellant/s : Mr. Mritunjay Kumar, AC to AAG 6
For the Respondent/s : Mr. Wasi Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-04-2025

LPA No. 86 of 2020 is filed by the State and LPA No. 1195 of 2019 is filed by one Mr. Giridhar Kumar Jhunjhunwala who is the own brother of Awadhesh Kumar Jhunjhunwala son of late Radhe Krishna Jhunjhunwala. Deceased - Radhe Krishna Jhunjhunwala had executed gift deed in favour of Awadhesh Kumar Jhunjhunwala on 21.09.2004 and it was not registered in the light of Registration Act 1908 (hereinafter referred to as 'the Act, 1908'). For such registration of gift deed dated 21.09.2004, it was presented in the month of October, 2015. On 04.11.2015, Sub-Registrar, Bhagalpur called upon Awadhesh Kumar Jhunjhunwala and his father with registration charges and all. Obviously, deceased - Radhe Krishna Jhunjhunwala died on 29.09.2009, therefore, the same was not materialized, resultantly, Awadhesh Kumar Jhunjhunwala preferred CWJC No. 1487 of 2016 seeking writ of mandamus for registration of gift deed dated 21.09.2004.



The same was disposed of directing the concerned authority to consider grievance of Awadhesh Kumar Jhunjunwala. He had submitted representation on 12.10.2017 and it was rejected on 09.12.2017. Resultantly, he had knocked the door of this Court once again in filing CWJC No. 3869 of 2018.

2. The learned Single Judge proceeded to pass order on 19.04.2019 while quashing order dated 09.12.2017 and further directing registering authority to complete the registration of the document. Feeling aggrieved by the order of the learned Single Judge dated 19.04.2019, the State has preferred LPA No. 86 of 2020. Simultaneously, brother of Awadhesh Kumar Jhunjunwala *namely* Giridhar Kumar Jhunjunwala preferred LPA No. 1195 of 2019 in assailing the order of the learned Single Judge dated 19.04.2019 on the issue of validity of gift deed and its registration is under cloud and his right would affect in the event of giving effect to the order of the learned Single Judge dated 19.04.2019.

3. Learned counsel for the appellants vehemently contended that gift deed is dated 21.09.2004 and it is required to be presented for registration under Section 23 of the Act, 1908 within a period of four months. If time limit has elapsed, in that event they had a remedy before next higher authority under Section 25 of the Act, 1908 wherein next higher authority is



empowered to extend further four months. If any adverse orders are passed, in that event aggrieved person has further remedy of filing appeal before the appellate authority under Section 72 of the Act, 1908. Even if appellate authority passes adverse orders, in that event, aggrieved person is entitled to invoke remedy of filing suit under Section 77 of the Act, 1908. These legal issues have not been taken note of by the learned Single Judge. All these Sections 23, 25, 72 and 77 of the Act, 1908 are mandatory in nature. In the impugned order dated 09.12.2017 of the official State, it is crystal clear that Section 23 of the Act, 1908 has been taken note of and further there is a delay of about 11 years. These two issues have not been apprised by the learned Single Judge. On these counts, the impugned order of the learned Single Judge dated 19.04.2019 passed in CWJC No. 3869 of 2018 is liable to be set aside while affirming the order dated 09.12.2017 of the Sub-Registrar.

4. *Per contra*, learned counsel for the respondent - Awadhesh Kumar Jhunjhunwala could not answer or counter the aforementioned statutory provisions. In the light of these facts and circumstances, appellants have made out a case so as to interfere with the learned Single Judge order dated 19.04.2019 and it is set aside while affirming the order of the Sub-Registrar dated



09.12.2017 which was the subject matter of CWJC No. 3869 of 2018.

5. Accordingly, both the LPAs are allowed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	02.05.2025
Transmission Date	

