

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14702 of 2016

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Abhishek Vikram Singh son of Late Ravindra Vikram Singh resident of
Mauza Khera Bajhera, P.S. - Jaitipur, District - Shahjahanpur Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Inspector General Department of Registration, Bihar, Patna.
3. The District Registrar, Registration Office, Vaishali.
4. The District Sub-Registrar, Registration Office, Mahua, Vaishali.
5. The Collector, Vaishali.
6. The Additional Collector, Vaishali.
7. Dilip Kumar Singh son of Late Shri Ram Ayodhya Singh resident of
Mohalla Bhaluhipur, P.S. Ara Town, District - Bhojpur at present resident of
C - 303, S.F.S. Flats, Sector 19, Rohini, Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kishore Verma
For the Respondent/s : Mr. Vivek Prasad- Gp7

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 15-02-2024 The present writ application has been filed for

direction to the respondent nos. 01 to 06 to register the sale deed

dated 11.05.2015.

2. It has been submitted by the learned counsel for

the petitioner that father of respondent no. 07 owned and

possessed 11 decimals of lands bearing Khata No. 529, Plot No.

3352 situated at Mauza Mahua within Vaishali district. He

executed a registered power of attorney in favour of respondent

no. 07 on 25.10.2013 authorizing him amongst others, to

execute and register the sale deed with respect to the aforesaid



lands and accept consideration money and admit execution. He further submits that pursuant to said power of attorney, the respondent no. 07 executed sale deed dated 11.05.2015 regarding aforesaid lands in favour of the petitioner and the sale deed was presented on 11.05.2015 for registration after complying with all provisions of Registration Act and rules after paying requisite stamp duty.

3. It has further been submitted by the learned counsel for the petitioner that for some undisclosed reasons, sale deed was not registered and defendant was not admitting execution and the petitioner filed the Title Suit No. 1205 of 2015 for Specific Performance of Contract for sale dated 11.05.2015 with respect to 11 decimals of lands and for directing the defendant to admit execution and get the sale deed registered and on failure to do so the sale deed may be registered through the process of court and in the suit eventually, a compromise was entered into and a compromise decree dated 08.04.2016 was passed based on a compromise petition dated 28.01.2016 giving direction to defendants to admit execution and get sale deed registered.

4. It has further been submitted by the learned counsel for the petitioner that despite the aforesaid decree, the



registering authority are not registering the sale deed although the judgment debtor is ready to admit execution and the sale deed is pending for registration since long i.e. 11.05.2015 and the petitioner has not impleaded Ram Ayodhya Singh as party as he had died on 21.02.2016 after the compromise dated 28.01.2016 and everything required to be done at the end of the executant has already been done and only a formal registration is to be made.

5. A supplementary counter affidavit has been filed by the respondent nos. 04 and 05.

6. It has been contended by the learned counsel for the respondents that after representation of the sale deed dated 25.04.2016, late *Ram Ayodhya Singh* has expired and, therefore, the authority is facing difficulty in registering the sale deed and otherwise there is no impediment in registration of the sale deed.

7. It has been submitted by the learned counsel for the petitioner that once the sale deed has been presented by the power of attorney holder who is non other than the son of *Ram Ayodhya Singh*, there is no legal impediment in registration of the sale deed in view of Section 204 read with Section 209 of the Indian Contract Act, 1872.



8. He also submits that the respondent no.07 is none other than the son of original owner who had executed the power of attorney in favour of his son and there is no dispute with regard to the same and the son is the executant of the sale deed.

9. I have considered the submissions of the parties.

10. Sections 201, 204 and Section 209 of the Indian Contract Act, 1872 reads as follows:-

201. Termination of agency.—An agency is terminated by the principal revoking his authority; or by the agent renouncing the business of the agency; or by the business of the agency being completed; or by either the principal or agent dying or becoming of unsound mind; or by the principal being adjudicated an insolvent under the provisions of any Act for the time being in force for the relief of insolvent debtors.

204. Revocation where authority has been partly exercised.—The principal cannot revoke the authority given to his agent after the authority has been partly exercised, so far as regards such acts and obligations as arise from acts already done in the agency.

(a) A authorizes B to buy 1,000 bales of cotton on account of A, and to pay for it out of A's moneys remaining in B's hands. B buys 1,000 bales of cotton in his own name, so as to make himself personally liable for the price. A cannot revoke B's authority so far as regards payment for the cotton.

(b) A authorizes B to buy 1,000 bales of cotton on account of A, and to pay for it out of A's moneys remaining in B's hands. B buys 1,000 bales of cotton in A's name, and so as not to render himself personally liable for the price. A can revoke B's authority to pay for the cotton.

209. Agent's duty on termination of agency by principal's death or insanity.—When an agency is terminated by the principal dying or becoming of unsound mind, the agent is bound to take, on behalf of the representatives of his late principal, all reasonable steps for the protection and preservation of the interests entrusted to him.



11. In view of the aforesaid provisions of the Indian Contract Act, 1872 in my view, the documents executed by the attorney needs to be registered forthwith.

12. With the aforesaid observation and direction, this application is allowed.

13. The authorities are directed to register the document(s) forthwith.

(Sandeep Kumar, J)

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