



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

131

CR-3318-2024 (O&M)**Date of Decision: 01.08.2024**

Rajvir and another

...Petitioners

Versus

Shyam Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. B.S. Tewatia, Advocate, for the petitioners.

VIKAS SURI, J. (ORAL)

1. The defendant-petitioners have filed the present revision petition under Article 227 of the Constitution of India, for setting aside the order dated 09.04.2024 (Annexure P-5), passed by the Additional Civil Judge (Senior Division), Palwal, whereby the application under Order 13 Rule 8 read with Section 17 of the Registration Act and under the provision of Sections 54 and 58 of the Transfer of Property Act, along with Sections 33 and 35 of Stamp Act, read with Section 151 CPC, seeking impounding of the unregistered document dated 10.11.2021 (Ikrarnama), has been dismissed.

2. Brief facts of the case are that the plaintiff-respondent filed a suit for possession by way of specific performance of contract and for injunction, on the averment that the defendants had entered into an agreement to sell agricultural land measuring 1 kanal 16 marla, being 2/5th share of 4 kanal 10 marla, situated in village Rampur Khor, Tehsil and District Palwal. Upon notice of the suit, the defendant-petitioners opposed the same by filing written statement. Issues were framed and the plaintiff-respondent led his evidence. The plaintiff-respondent while being examined as PW-1 had tendered Ikrarnama dated 10.11.2021 with his affidavit as examination-in-chief. The petitioner-defendants filed an application seeking impounding of the aforesaid instrument. The plaintiff-respondent opposed the said application by filing reply. The trial Court after considering the



rival contentions raised by learned counsel for the parties and perusing the material available on record, dismissed the said application vide order dated 09.04.2024, which has been impugned in the present revision petition.

3. Heard learned counsel for the petitioners and with his able assistance perused the record.

4. In the present case, perusal of the impugned order goes to show that the plaintiff-respondent had placed reliance upon the law laid down by the Hon'ble Supreme Court in ***Suraj Lamp and Industries Private Limited (2) through Director vs. State of Haryana and another, (2012) 1 SCC 656***, wherein their Lordships held that according to the provisions of the Transfer of Property Act, 1882 (hereinafter referred to as 'the Act') an agreement to sell whether with possession or without possession, is not a conveyance. It is further held that the immoveable property can be legally and lawfully transferred or conveyed only by a registered deed of conveyance. Other transactions like GPA or sale agreements/Will transactions do not convey title and do not amount to transfer nor they can be recognized as valid mode of transfer of immoveable property. The Courts will not treat such transactions as completed or concluded transfers or as conveyances as such. They cannot be recognized as deeds of title, except to the limited extent of Section 53A of the Act.

5. After having noticed the above enunciated law, the trial Court kept the issue of admissibility of the unstamped and unregistered agreement to sell (*ikrarnama*) open till the final decision of the case. As regards the other arguments raised on behalf of the learned counsel for the petitioners that the said Ikrarnama is forged and fabricated document, it was observed that the Court will not impound the document without determining whether the impugned instrument was executed by the plaintiff or is forged by him which eventuality would only arise after the evidence has been led in the case. Learned counsel has not been able to rebut the aforesaid and does not dispute the law enunciated by the Apex Court.

6. No other issue has been urged.

7. In view of the above discussion, I do not find any infirmity or perversity in the impugned order dated 09.04.2024 passed by the Additional Civil Judge (Senior Division), Palwal, which would warrant interference by



this Court in exercise of its superintending power.

- 8. Accordingly, the present revision petition is dismissed.
- 9. Pending applications, if any, also stand disposed of.

August 01, 2024
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No