



202/2 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-6469-2018 (O&M)

Date of decision : 29.01.2025

Satwant Singh

...Petitioner

Vs.

Makhan Singh and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sandeep Jain, Advocate  
Mr. Sachin Jain, Advocate  
for the petitioner.

Mr. Ramandeep Singh, Advocate  
for the respondents.

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**ANIL KSHETARPAL, J.** (Oral)

1. The petitioner herein is defendant No.3 in a plaintiff's suit seeking separate possession of 1/3rd share of the suit property. The petitioner has filed a suit for specific performance of agreement to sell. Separate Civil Revision No. 7642 of 2017 filed by the petitioner has been allowed by a detailed order passed today.

2. The petitioner filed an application for allowing him to make good the deficiency in stamping of agreement to sell under the Indian Stamp Act, 1899, which has been dismissed by the Court on the ground that such document requires mandatory registration.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

4. Learned counsel representing the petitioner claims that the



petitioner does not seek protection under Section 53-A of the Transfer of Property Act, 1882, (hereinafter referred to as ‘the Act’) as his suit for specific performance is already pending.

5. *Per contra*, learned counsel representing the respondents submits that in a suit for possession, the petitioner wants to produce agreement to sell evidencing delivery of possession, which is not admissible in evidence.

6. This Court has considered the submissions made by the learned counsel representing the parties.

7. In fact, the Registration Act, 1908 alongwith certain connected Acts were amended in the year 2001, vide Act No. 48, 2001. Section 17(1-A) of the Registration Act, 1908, was inserted to make documents containing contracts to transfer immovable property for consideration mandatorily registrable for the purpose of Section 53-A of the Transfer of Property Act, 1882.

8. This Court has permitted the petitioner to make good the deficiency in stamp duty in the suit for specific performance. Once, the deficiency is made good, the same shall be admissible in evidence. In this suit also, the petitioner (defendant in the trial Court) is not seeking protection only under Section 53-A of the Act.

9. With these observation, the revision petition is disposed of.

10. All the pending miscellaneous applications, if any, are also disposed of.

29.01.2025

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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No