GAHC030007442024

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : RFA/45/2024

Sh. Henry Zokhuma
S/o P.T. Sena (L), R/o Chhinga Veng, Aizawl, Mizoram

VERSUS

Sh. Lalthlamuana and 3 Ors.
S/o Khualdawla, R/o Laipuitlang, Aizawl, Rothangvunga Building near SIPMIU Office 2:The Secretary

3:The Director

4:The Joint Directo

Advocate for the Petitioner : Mr. C Lalfakzuala

Advocate for the Respondent : Mr. T Lalnunsiama for R1

:::BEFORE:::

HON'BLE MRS. JUSTICE HELEN DAWNGLIANI

Date on which judgment is reserved : 12.10.2026

Date of pronouncement of judgment : 03.11.2026

Whether the pronouncement is of the Operative part of the judgment : NA

Whether the full judgment has been Pronounced : Yes

Judgment & Order(CAV)

Heard the learned counsels.

2. The instant appeal has been preferred under Section 17(2)(b) of the Mizoram Civil Courts Act, 2005, read with Section 96 of the Code of Civil Procedure, 1908 (hereinafter referred to as "the CPC"), against the Judgment and Decree dated 14.10.2023 passed by the learned Civil Judge (Senior Division)-IV, Aizawl, in Declaratory Suit No. 35 of 2016, whereby the suit filed by the plaintiff/appellant was dismissed and the counterclaim preferred by defendant/respondent No. 1 was allowed.

3. By the impugned judgment and decree, the learned Trial Court declared

defendant/respondent No. 1 to be the rightful owner of the landed property covered by LSC No. AZL-165/1986, on the strength of a registered Sale Deed dated 21.07.2016, marked as Exhibit D-7, and further declared him entitled to proceed with the process of mutation of the said LSC in his favour.

4. Facts leading to the appeal

4.1. The case of the plaintiff/appellant, as disclosed in the pleadings, is that the landed property covered by LSC No. AZL-165/1986, situated at Chhinga Veng, Aizawl, was purchased from its recorded holder, Hranglianchhunga, son of H. Zamlova, for a consideration of Rs. 50,000/- on 06.04.1996. A sale letter was allegedly executed in the presence of two witnesses in connection with the said transaction.

4.2. The appellant further pleaded that respondent No. 1, Lalthlamuana, is his brother-in-law, being the husband of his sister, Helen Zohmingliani. According to the appellant, in or about 1997, respondent No. 1 borrowed the original LSC from the appellant's father, Late P.T. Sena, with the knowledge and consent of the appellant, for the purpose of obtaining a loan of Rs. 3,00,000/- from the Mizoram Khadi and Village Industries Board (hereinafter referred to as "the KVI Board"). The LSC was accordingly deposited with the KVI Board in connection with the loan.

4.3. The appellant's sister, Helen Zohmingliani, died in 2006. The appellant alleged that respondent No. 1 failed to discharge the loan regularly and that the appellant subsequently contemplated liquidating the outstanding loan to secure the release of the LSC. However, respondent No. 1 allegedly discharged the loan on 30.01.2016 and obtained the original LSC from the KVI Board, but thereafter refused to return it to the appellant despite demands.

4.4. The appellant further alleged that respondent No. 1 attempted to have the LSC mutated in his own name. The appellant came to know of the alleged attempt through Hranglianchhunga, in whose name the LSC continued to stand in the official records, notwithstanding the alleged transaction of 1996. A legal notice dated 07.09.2016 was issued to respondent No. 1, but the dispute could not be resolved. Consequently, the appellant instituted Declaratory Suit No. 35 of 2016 seeking a declaration of ownership, return of the LSC, and appropriate restraint against the State authorities from effecting mutation in favour of another person without due authority of law.

4.5. Respondent No. 1 contested the suit by filing a written statement and a counterclaim under Order VIII, Rule 6A of the CPC. He denied that the appellant or his father had purchased the property in 1996 and alleged that the sale letter dated 06.04.1996 was fabricated. In support of his defence, he relied upon an

affidavit allegedly executed by Hranglianchhunga on 05.10.2016, wherein the latter purportedly denied having signed the sale letter relied upon by the appellant.

4.6. Respondent No. 1 asserted that he had purchased the property from Hranglianchhunga under a sale deed dated 01.06.2015 and that a fresh sale deed was executed on 21.07.2016, which was registered under the Indian Registration Act, 1908, bearing Registration No. MZ(Azl)20800-AZL/2016-2017 dated 16.09.2016. He maintained that as the earlier document had not been registered within the prescribed period the subsequent registered instrument was executed to complete the transaction in accordance with law.

4.7. Respondent No. 1 further asserted that he had obtained clearance of the loan from the KVI Board and that he was entitled to retain the LSC and seek mutation in his favour. He denied that the LSC had been entrusted to him by the appellant or the appellant's father merely for obtaining a loan. By way of counterclaim, he sought a declaration of his entitlement to proceed with mutation of the LSC in his favour and a direction to the State respondents to process the mutation without obstruction from the appellant.

5. Findings of the learned Trial Court

5.1. Upon completion of the pleadings, the learned Trial Court framed four issues concerning the maintainability of the suit, the competing claims of purchase under the respective sale documents, the alleged lending of the LSC to respondent No. 1 for obtaining the KVI Board loan, and the parties' entitlement to their respective reliefs.

5.2. Upon consideration of the evidence, the learned Trial Court held that the suit was maintainable. On the issue of competing claims, however, it held that Exhibit D-7, being the registered Sale Deed dated 21.07.2016 executed between Hranglianchhunga and respondent No. 1, was the only valid document enforceable in law. Consequent upon this finding, the Court rejected the appellant's case that the LSC had been lent to respondent No. 1 for obtaining the loan from the KVI Board.

5.3. The learned Trial Court accordingly allowed the counterclaim, declared respondent No. 1 to be the rightful owner of the property covered by LSC No. AZL-165/1986, and held that he was entitled to proceed with the process of mutation in his favour. Being aggrieved by the said judgment and decree, the plaintiff/appellant has preferred the present appeal.

6. Submissions of the parties

6.1. Ms. H. Lalrosangi, learned counsel appearing for the appellant, submitted that the learned Trial Court failed to appreciate the documentary and oral evidence in its proper perspective. According to her, the property was purchased by the appellant's late father PT Sena from Hranglianchhunga by executing a Sale Deed on 06.04.1996 in the presence of two witnesses which were not objected by Hranglianchhunga during trial.

6.2. Learned counsel fairly acknowledged that the sale letter dated 06.04.1996 had not been registered and that the appellant is not relying upon the said document to establish the title of the appellant but the nature of possession of the appellant since he has been paying revenue taxes since 1996 till the date of filing the declaratory suit in the year 2016. Her submission, in effect was that the document could be received in evidence for a collateral purpose, particularly to establish the circumstances of the transaction and the fact that an earlier arrangement of sale had taken place between the parties. The defence evidence more particularly that of DW No.1 and DW No3 shows that the respondent had never possessed or looked after the land and therefore there can be no subsequent sale of the land and as such the sale allegedly made between the respondent and Hranglianchhunga is void as Hranglianchhunga has no right to sell the land subsequently to the respondent.

6.3. That the Sale Deed dt. 01.06.2015 is unreliable and is not registered and the Sale Deed dt. 21.07.2016 is wholly unsustainable since from the content it can be seen that it was executed on 21.07.2016 whereas the parties and the Notary public have subscribed their signatures only on 31.07.2016 this has made the document suspicious. So the Sale Deed dt. 21.07.2016 is void on grounds of fraud, undue influence and mistake. Even if it is presumed that the Sale Deed was validly registered there is doubt in the manner of execution of the Sale Deed in as much as the same is not supported by credible evidence, DW No.2 on cross examination failed to show that the same was executed/signed on the same day whereas from the evidence of Hranglianchhunga it is stated that he did not know that the said LSC was already sold to PT Sena (L) when the respondent approached him that the LSC was already sold to the Respondent No.1 and that he has put his signature as the Respondent No.1 brought a Sale Deed which was already prepared and brought to his residence.

6.4. According to the Ld.Counsel, even though the discrepancy in the execution of the Sale Deed Dt. 21.07.2016 was not raised by them before the trial court, the record shows that the evidence led by DW Nos.2 &3 have addressed the issue. The Ld.Counsel also submitted that in view of the Notification Dt.

01.04.1997 the Transfer of Property Act, 1882 was not applicable at the relevant time.

6.5. Learned counsel relied upon ***Muruganandam v. Muniyandi (Died) through LRS*** reported in ***(2025) SCC OnLine SC 1067***, ***Bachhaj Nahar v. Nilima Mandal & Ors*** reported in ***(2008) 17 SCC 491***, ***S. Kaladevi v. V.R. Somasundaram & Ors*** reported in ***(2010) 5 SCC 401***, ***Thiruvengada Pillai v. Navaneethammal*** reported in ***(2008) 4 SCC 530***, ***Veena Singh v. District Registrar*** reported in ***(2022) 7 SCC 1***. On these grounds, she prayed that the impugned judgment and decree be set aside.

6.6. Per contra, Mr. T. Lalnunsiama, learned counsel appearing for respondent No. 1, supported the impugned judgment and decree. He submitted that the sale letter dated 06.04.1996 was neither registered nor sufficient in law to transfer title to the property. According to him, the appellant could not establish a legally effective transfer in 1996 merely by producing an unregistered document.

6.7. Learned counsel further submitted that the registered Sale Deed dated 21.07.2016 had not been specifically challenged by way of an appropriate prayer for cancellation or a declaration that the instrument was void or not binding upon the appellant and the prayer in the original suit was confined to declaring

him i.e PT Sena(now deceased) as the owner of the property. The Ld.Counsel submitted that the main ground for challenge in the appeal is on the registered sale deed and the appellant is now estopped from raising the same at the appellate stage in view of Order VII Rule 7 & 8 CPC which mandates framing of specific relief in the plaint which the plaintiff/appellant a filed to do so. He also submitted that the registered owner of the property namely Hranglianchhunga was not arrayed as party in the original suit and State was arrayed merely as proforma defendant whereas State was a proper party since registration was done by the State. In other words, the Ld.Counsel argued that the appellant could not introduce an independent challenge to the registered instrument for the first time in appeal and that, if the appellant sought to impeach the sale deed on grounds of fraud or other vitiating circumstances, such relief had to be sought through appropriate pleadings and proceedings. According to the Ld.Counsel, the evidence of Hranglianchhunga, who was examined as plaintiff witness, was contradictory to the other evidence.

6.8. Learned counsel also submitted that payment of land revenue does not, by itself, create or establish title to immovable property. In support of his submissions, he relied upon ***Suraj Lamp and Industries (P) Ltd. v. State of Haryana*** reported in ***(2012) 1 SCC 656***, and ***Union of India & Ors v.***

Vasavi Co-operative Housing Society Ltd. & Ors reported in ***(2014) 2 SCC 269***. He accordingly prayed for dismissal of the appeal.

6.9. Mrs. Caroline K. Lungawipuii, learned Govt. Advocate for respondent Nos. 2 to 4, who are proforma/respondents and submitted that as Govt is proforma respondent and no direct relief is sought from the government and since they have no pleadings even in the trial court, she has no further submission to make.

7. In the case of ***B.V. Nagesh & Anr v. H.V. Sreenivasa Murthy*** reported in ***(2010) 13 SCC 530***, the Supreme Court had observed and held that without framing points for determination and considering both facts and law, without proper discussion and assigning the reasons, the First Appellate Court cannot dispose of the first appeal under Section 96 CPC and that too without raising the points for determination as provided under Order XLI Rule 31 CPC.

8. Points for determination

8.1. Having regard to the pleadings, the findings of the learned Trial Court and the submissions advanced by learned counsel for the parties, the following points arise for determination in this appeal:

(i) Whether the appellant has established a legally sustainable title to the

property covered by LSC No. AZL-165/1986 on the basis of the alleged transaction dated 06.04.1996 and the evidence of possession and payment of land revenue.

(ii) Whether the registered Sale Deed dated 21.07.2016, marked as Exhibit D-7, can be relied upon to establish respondent No. 1's claim to the property, having regard to the alleged earlier transaction, the discrepancies in the dates of execution and the evidence of Hranglianchhunga.

(iii) Whether the appellant's challenge to Exhibit D-7 can be entertained in the absence of appropriate pleadings and a specific prayer for cancellation or a declaration that the instrument is void or not binding upon him.

(iv) Whether the learned Trial Court correctly decided the dispute concerning the alleged entrustment of the LSC, and whether the evidence concerning the KVI Board loan establishes any proprietary right in favour of the appellant.

(v) Whether respondent No. 1 is entitled to the declaration granted in the counterclaim and to proceed with mutation of the LSC in his favour.

(vi) Whether the impugned judgment and decree call for interference in

the exercise of appellate jurisdiction under Section 96 CPC.

9. Scope of appeal

9.1. An appeal under Section 96 CPC is a continuation of the original proceedings. The first appellate court is competent to examine both questions of fact and questions of law, reassess the evidence on record, and determine whether the conclusions reached by the Trial Court are sustainable.

9.2. In the case of ***Union of India (supra)***, the Supreme Court reiterated the principle that a plaintiff seeking a declaration of title must succeed on the strength of his own title and cannot obtain a declaration merely by demonstrating deficiencies in the opponent's case.

9.3. The aforesaid principle applies to the present dispute in assessing the appellant's claim to ownership. The counterclaim, however, must also be examined on its own pleadings and evidence. Respondent No. 1 cannot obtain a declaration of ownership merely because the appellant has failed to prove his claim; respondent No. 1 must establish a legally sufficient basis for the declaration sought.

10. ANALYSIS ON THE POINTS FOR DETERMINATION

10.1. Point No. 1: Whether the appellant established title under the

alleged transaction dated 06.04.1996

10.2. The appellant's principal case originates from the alleged purchase of the property from Hranglianchhunga on 06.04.1996 for a consideration of Rs. 50,000/-. The appellant relies upon a sale letter allegedly executed on that date, together with evidence of payment of land revenue and the alleged possession of the property.

10.3. At the outset, it is necessary to distinguish between a document that evidences an alleged transaction and an instrument that legally effects a transfer of ownership. The appellant's counsel has expressly acknowledged that the sale letter dated 06.04.1996 was not registered and that the appellant does not rely upon it as a legally operative conveyance of title. The document is instead relied upon for the collateral purpose of explaining the appellant's claim of possession and the alleged earlier transaction.

10.4. In ***S. Kaladevi (supra)***, the Hon'ble Supreme Court explained that an unregistered sale deed may, in an appropriate case, be received as evidence of a collateral transaction not required to be effected by a registered instrument. The Court also recognised the limited circumstances in which an unregistered sale deed may be relied upon as evidence of a contract in a suit for specific performance.

10.5. The same distinction was reiterated in ***Muruganandam (supra)***, in this case, the Hon'ble Supreme Court permitted an unregistered document to be brought on record for the legally permissible purpose asserted in that case, without expressing any opinion on the ultimate validity or contents of the document.

10.6. These authorities do not establish that every unregistered sale document is inadmissible for all purposes. Nor do they permit such a document to be used as a substitute for a legally required registered conveyance where the object is to establish a completed transfer of ownership.

10.7. In the present case, therefore, the sale letter dated 06.04.1996 may be considered for the limited purpose for which the appellant relies upon it, i.e., for the purpose of claiming possession and the allyed earlier transaction. But it cannot be treated as conclusive proof that ownership was legally transferred to the appellant or his father.

10.8. The appellant further relies upon payment of land revenue from 1996 until the institution of the suit in 2016. Such payment may constitute relevant evidence of the appellant's assertion of control over the property or of the circumstances in which he dealt with it.

10.9. But, payment of land revenue does not, by itself, create title to immovable property. Revenue records ordinarily serve fiscal and administrative purposes and cannot independently establish ownership where the underlying title is disputed.

10.10. In ***Suraj Lamp (supra)***, the Hon'ble Supreme Court explained the distinction between legally recognized conveyances of immovable property and informal arrangements that do not satisfy the requirements of law for transfer of title. The decision reinforces the principle that a claim of ownership must rest upon a legally recognized source of title rather than upon informal documentation alone.

10.11. The evidence concerning possession must likewise be assessed with care. Even if the appellant had paid revenue or exercised some degree of control over the property, such circumstances would not necessarily establish that the appellant acquired ownership under the alleged transaction. Possession may be relevant evidence, but its legal significance depends upon the facts and the nature of the right asserted.

10.12. If the alleged purchaser was P.T. Sena, the appellant must also establish the legal basis on which he claims the proprietary interest of his deceased father, including the relevant succession or representative capacity, to the extent

disputed. If the appellant himself was the purchaser, the evidence must establish that claim in accordance with the pleadings. The Court cannot presume the identity of the purchaser or the devolution of title without examining the relevant record.

10.13. In view of the above, this Court does not find any reasonable ground to interfere with the finding of the Ld. Trial Court upon the principles discussed above that the unregistered sale letter and the payment of land revenue cannot, without sufficient supporting evidence and a legally sustainable source of title, establish the appellant's ownership of the suit property. Point No. 1 is answered accordingly.

11. Point No. 2: Effect of the registered Sale Deed dated 21.07.2016

11.1. Respondent No. 1 relies upon Exhibit D-7, the Sale Deed dated 21.07.2016 executed by Hranglianchhunga and subsequently registered on 16.09.2016. The learned Trial Court treated the registered instrument as the only valid document enforceable in law and, on that basis, accepted respondent No. 1's claim to ownership.

11.2. A registered instrument may be challenged on legally sustainable grounds. In the present case, the evidence on record shows that DW No.2

admits that she and her husband were present when the sale deed dt.21.07.2016 was executed between PW No.2/Hranglianchhunga and the defendant No.1. DW No.3 further admits that defendant No.1 and PW No.2 were present when she appended her signature. The admittance of Hranglianchhunga that he gave his signature is a relevant fact.

11.3. Registration of a sale deed is legally significant. In the present case, the property continued to stand in the official records in the name of Hranglianchhunga. Respondent No. 1 asserts that he acquired the property from that recorded holder. The appellant, on the other hand, asserts an earlier transaction with the same person. The appellant does not rely upon the unregistered sale letter as a legally operative conveyance of title. Consequently, the appellant cannot establish that the vendor had already divested himself of ownership merely by producing that instrument and evidence of revenue payments.

11.4. The appellant has nevertheless questioned the execution of Exhibit D-7 on the ground that the deed bears the date 21.07.2016 whereas the signatures of the parties and the Notary Public are stated to have been made on 31.07.2016.The appellant also relies upon the testimony of Hranglianchhunga, who allegedly stated that respondent No. 1 brought an already prepared sale

deed to his residence and that he signed it without being aware of the appellant's alleged earlier purchase.

11.5. A difference between the date stated in the deed and the date of a subsequent endorsement does not automatically render the instrument void. To the view of this court, the date on which an instrument was prepared, the date on which it was signed, the date on which it was presented for registration and the date on which registration was completed are distinct matters. Whether the discrepancy is material depends upon the contents of the instrument, the nature of the endorsement, the testimony of the executants and other witnesses, and the relevant registration records.

11.6. In the case at hand, the evidence adduced by respondent No.1 suggest propriety in the manner of execution of the Sale Deed. The fact that a document was prepared in advance by one party does not, without more, establish fraud or invalidity. Further, as regards the deposition of Hranglianchhunga, it is noticeable that there was no force or coercion to sign the Sale Deed dt.21.07.2016.

11.7. In ***Thiruvengada Pillai (Supra)***, the Hon'ble Supreme Court emphasized the importance of proving the execution and authenticity of a disputed document and cautioned against treating the mere production of a

document as sufficient proof of its genuineness. The evidentiary burden must be assessed in accordance with the nature of the dispute and the evidence led by the parties.

11.8. Similarly, in ***Veena Singh(Supra)***, the Supreme Court addresses the legal significance of registration and the statutory duties involved in the registration process. The decision does not justify treating registration as conclusive proof of the truth of every factual assertion contained in an instrument. The Court must distinguish compliance with registration formalities from the substantive validity of the underlying transaction.

11.9. In the present appeal, the appellant has not established that the discrepancy in dates, the manner in which the deed was prepared, or the alleged absence of possession necessarily rendered Exhibit D-7 void. Nor has the appellant established that the alleged transaction of 1996 legally divested Hranglianchhunga of the title subsequently conveyed under Exhibit D-7.

11.10. For the aforesaid reasons, Point No. 2 has to be decided against the appellant and this court does not find any infirmity in the conclusion of the Ld. Trial Court to the effect that the Sale Deed Dt.21.07.2016 is the only valid Sale Deed.

12. Point No. 3: Whether the challenge to Exhibit D-7 is maintainable in the absence of a specific prayer

12.1. The principle argument of the respondent No.1 is that the appellant cannot, at the appellate stage, introduce a new and independent challenge to the registered sale deed on grounds of fraud, undue influence or mistake.

12.2. Order VII, Rule 7 CPC requires the plaint to state specifically the relief sought, whether simply or in the alternative. The provision is intended to inform the defendant of the case that must be answered and to enable the court to grant relief consistent with the pleadings and the law.

12.3. In ***Bachhaj Nahar(Supra)***, the Hon'ble Supreme Court explained that a court cannot ordinarily grant a relief that has not been pleaded merely because the evidence may suggest that such relief could have been claimed. The rule ensures that the parties are not taken by surprise and that adjudication remains confined to the case they were called upon to meet.

12.4. Applying that principle, in the instant case, the appellant did not expressly seek cancellation of Exhibit D-7 or a declaration that the deed was void or not binding upon him. Though the absence of such a prayer does not prevent the court from examining Exbt D-7 to the extent necessary to adjudicate the

competing claims of title, however, the appellant cannot use the present appeal to obtain an unpleaded affirmative decree setting aside Exhibit D-7 on grounds of fraud, undue influence or mistake without satisfying the applicable requirements of pleadings, proof and procedural fairness.

12.5. The fact that some evidence may have touched upon the circumstances in which the deed was executed does not, by itself, establish that the issue was fully and properly pleaded and tried. Evidence must be considered in the context of the issues framed and the reliefs sought. The objection concerning non-joinder of Hranglianchhunga must also be considered in the same context.

12.6. Under Order 1, Rule 9 CPC, a suit is not ordinarily defeated by non-joinder or mis-joinder alone, subject to the exception concerning non-joinder of a necessary party. In the present case, the appellant's failure to seek appropriate affirmative relief against Exbt D-7 is material to his attempt to have the instrument set aside on grounds of fraud or other vitiating circumstances. The appellant has not established a sufficient basis for obtaining such relief in the present appeal.

12.7. For the aforesaid reasons, point No. 3 is accordingly answered against the appellant.

13. Point No. 4: Alleged entrustment of the LSC and the KVI Board loan

13.1. The appellant's further case is that since the respondent No. 1 is the son-in-law of the appellant he was allowed to use the LSC only for obtaining loan with KVI Board but after the loan amount was liquidated the respondent No.1 wrongly retained the settlement certificate.

13.2. The fact that a person possesses the original land settlement certificate does not, by itself, confer title upon that person. Conversely, the fact that another person claims to have lent the certificate does not establish ownership unless the underlying title is proved.

13.3. The appellant's contention that respondent No. 1 discharged the KVI Board loan on 30.01.2016 and obtained the original LSC is not, in itself, proof that respondent No. 1 acquired ownership by repayment of the loan. Repayment of a loan discharges the relevant financial obligation; it does not independently convey title to immovable property. At the same time, the allegation that the LSC was originally entrusted to respondent No. 1 for a limited purpose does not establish that the registered sale deed executed subsequently was invalid. In this regard, the appellant did not lead sufficient evidence that the

LSC was entrusted for limited purpose, the appellant must establish the legal basis on which the alleged entrustment affects respondent No. 1's claim under Exbt D-7.

13.4. Point No. 4 is answered accordingly.

14. Point No. 5: Entitlement to the counterclaim and mutation

14.1. The counterclaim filed by respondent No. 1 under Order VIII, Rule 6A CPC constitutes a claim for substantive relief and must be adjudicated on its own merits. Respondent No. 1 relies upon the Sale Deed dated 21.07.2016 executed by Hranglianchhunga and registered on 16.09.2016. The appellant disputes the transaction by relying upon the alleged earlier sale letter, payment of land revenue, the alleged absence of possession by respondent No. 1, and discrepancies in the execution of Exhibit D-7.

14.2. The legal effect of Exbt D-7 has been considered above. The appellant has not established that the alleged transaction of 1996 legally transferred ownership to him or his father, nor has he established a legally sufficient basis in the present proceedings for setting aside Exbt D-7.

14.3. In the circumstances presented, the registered conveyance executed by the recorded holder provides a legally relevant basis for respondent No. 1's

claim. The appellant has not established that the alleged earlier transaction or the evidence of possession defeats that claim.

14.4. The decision in ***Suraj Lamp (supra)*** reinforces the importance of distinguishing legally effective conveyances from documents or administrative entries that do not themselves transfer ownership. Therefore, Respondent No. 1's entitlement to proceed with mutation must accordingly be understood as an entitlement to apply for and pursue the mutation process in accordance with the applicable law.

14.5. This Court is therefore satisfied on the case as presented, there appears to be no sufficient reason to interfere with the decision of the learned trial court in this regard.

14.6. Point No. 5 is answered accordingly.

15. Applicability of the Transfer of Property Act, 1882, and the Mizoram registration provisions

15.1. Learned counsel for the appellant has submitted that the Transfer of Property Act, 1882, was not applicable to the State of Mizoram, at the relevant time, relying upon the Notification dated 01.04.1997 issued by the competent authority in Mizoram.

15.2. The contents of the notification, as described in the submissions, concern the levy of registration fees on an ad valorem basis, subject to a maximum amount. A notification fixing registration fees cannot, without further statutory language or an applicable legal provision, be treated as an instrument excluding the operation of the Transfer of Property Act, 1882, in its entirety.

15.3. A co-ordinate Bench of this Court in the case of ***Sanglura Sailo v. C. Lalrampari*** reported in ***(2013) 4 GLR 53*** was dealing with as sale deed which was executed on 23.07.2007 but was not registered under the Provision of Registration Act, 1908 have held that property worth more than Rs. 100/- is to be compulsory registered as per Section 17 (i)(b) of the Indian Registration Act, 1908. The said judgment has not been put to challenge and has thus attained finality.

15.4. The applicability is further re-affirmed with the provision contained in Section 100 of the Mizoram (Land Revenue) Act, 2013, which stated that valid transfers of land shall be compulsorily registered under the provisions of the Indian Registration Act, 1908, as amended from time to time and subject to the provisions of that Act. The statutory text therefore makes registration a requirement for valid transfers within the scope of the provision.

15.5. In view thereof, this Court is unable to accept the submission that when

the transaction took place in the instant case, the Transfer of Property Act, 1882 was not applicable to the State.

16. CONCLUSION

16.1. From the above observation and analysis, this Court does not find any sufficient material to interfere with the Judgment & Decree passed by the learned Trial Court.

17. The appeal stands dismissed.

18. Return the case record of the learned Trial Court.

JUDGE

Comparing Assistant