

आदेश फलक

आदेश की क्र० सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की ग कार्रवाई के बारे टिप्पणी तारीख सं
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28.4.12	<p style="text-align: center;"><u>COURT OF THE DISTRICT COLLECTOR</u> <u>WEST CHAMPARAN</u></p> <p style="text-align: center;">RM-43/10-11</p> <p style="text-align: center;">Mathura Prasad singh & Others Vs Abhay Tiwari u/s 73 of the Indian Registration Act</p> <p style="text-align: center;"><u>ORDER</u></p> <p>1. This appeal has been filed u/s 73 of Indian Registration Act praying that direction for compulsory registration be issued. The appellants Mathura Prasad Singh and Gokhul Prasad Singh are brothers and are joint family.</p> <p>2. They submit that respondent Abhay Tiwari had agreed to sell land described as khata no 129, Khesra No 36 Area 5 katha with boundary - North- Nij Mokir and Laxman Choudhary South- Masan Pain, East -Dhrub Tiwari and west - Nij Mokir for a consideration amount of Rupees 1,02,200.</p> <p>3. Accordingly, both party went to Office of the subregistrar on 10.11.2008 and got the necessary sale deed document numbered 10747/10749 prepared. The entire consideration amount was paid to respondent. Thereafter the respondent is said to have put his thumb impressions on the first page and signed on all the pages. After execution by the respondent, the deed was signed by Binod Prasad and Panchnand Prasad.</p> <p>3. The deed was presented on 11.11.2008 and both parties were present. But when the call of acceptance was made, Abhay tiwari absented himself. Abhay tiwari did not appear on later dates as well. Accordingly, the sub registrar passed the order refusing the registration of sale deed in case No 1/2010 on 30.6.2010.</p>	

4. This appeal has been filed against the above stated refusal. Notice was issued to OP and record of case No 1/2010 of Sub registrar, sikarpur was called for. Notices were served on respondent Abhay tiwari.

5. Ample opportunity was given to the respondent to be present or represented. Last opportunity was given on 5.8.11. However he never presented himself. The case was last heard on 6.3.12. However, the respondent was not present.

6. Having perused the record of the case No 1/2010 of Sub registrar Sikarpur and heard the petitioners, I am of the considered opinion that there is willful refusal on the part of Abhay tiwari to execute the sale deed No 10747/10749 for the land aforementioned in favour of the appellants after receiving the consideration money agreed upon. The respondent failed to be present or represented despite ample opportunity. Therefore, I hereby direct the Subregistrar, Sikarpur to compulsorily register the sale deed No 10747/10749 for the aforementioned land in favour of Mathura Prasad Singh and Gokhul Prasad singh as per provisions of Indian Registration Act.

Send a copy of this order to Sub registrar Sikarpur with the lower cour record for necessary action.

Biswanath
28/11/12

District Collector
West Champaran