

(1887) 03 CAL CK 0005
In the Calcutta High Court

Beni Madhab Mitter

APPELLANT

Vs

Khatir Mondul

RESPONDENT

Date of Decision : 07-03-1887

Acts Referred:

Registration Act, 1877 — Section 60

Citation : (1887) ILR (Cal) 449

Hon'ble Judges : Mitter, J;Beverley, J

Bench : Division Bench

Judgement

Mitter abd Beverley, JJ.—We think that the judgments of the lower Courts in this case are correct. u/s 60 the certificate is adducible in evidence to prove that the document was duly registered by the particular officer whose signature it bears, but it has been shown that that officer had no jurisdiction to register it. That being so the document was not duly registered within the provisions of the Registration Act. A decision was referred to in the course of the argument, Ram Coomar Sen v. Khoda Newaz 7 C.L.R. 223 but we find that that decision is entirely based upon a Privy Council judgment Mukhun Loll Pandey v. Koondun Lall 5 B.L.R. 228 and the Privy Council decision does not support the contention put forward in this case. There the document which was in question was registered by an officer who had jurisdiction to register it, but in this case the document has been registered by an officer who had no jurisdiction to register it. That being so, the observations of their Lordships of the Judicial Committee upon which the decision proceeds are not applicable to this case. We dismiss these appeals with costs.