
(2000) 11 RAJ CK 0053

In the Rajasthan High Court

Case No : Civil Revision Petition No. 1270 of 2000

Nawal Kishore Tulara

APPELLANT

Vs

Dinesh Chand Gupta and Others

RESPONDENT

Date of Decision : 15-11-2000

Acts Referred:

Citation : (2000) 11 RAJ CK 0053

Hon'ble Judges : J.C. Verma, J

Bench : Single Bench

Advocate : J.P. Goyal, for the Appellant;

Final Decision : Dismissed

Judgement

J.C. Verma, J.—This revision petition has been directed against the order dated 31.10.2000 passed by Civil Judge (Jr. Dn.) Gangapur City in Civil suit No.31/93. whereby the trial court rejected the application on the ground that as per Indian Registration Act and as per amendment incorporated by State of Rajasthan the document ought to have been registered and stamped.

2. Counsel for petitioner submits that the document is dated 18.8.1985 whereas the compulsory registration of document had come into force in the year 1989 by way of amending Act of 1989.

3. Even though the reasons given the learned trial court for not exhibiting the document cannot be sustained, but the perusal of the document, (photostat) which has produced in this court and has also been attached with the revision petition shows that the same is on stamp paper of Rs.5 and some Ramsahai is said to have to put his signatures on the so called agreement. This document does not bear the signature of acceptance of proposal and only bears the signature of Ramsahai which signatures are also not admitted by opposite party. In such circumstances, as per contract it cannot be said that it is valid agreement under the relevant provisions of Contract Act. In agreement when the proposal is made by proposer it should be accepted by the person who accepts it. Counsel

for petitioner submits that there can be implied acceptance by the petitioner. I do not agree with the submission made by counsel for petitioner. If the document is made in writing and the proposal is made in writing both the persons should have put their signatures. In such circumstances; the document is not an agreement, as is being argued now, in the eyes of law. No injustice has been done to petitioner by not admitting the said document.

4. After hearing counsel for petitioner and going through the impugned order. I am not inclined to interfere in the impugned order. The revision petition has no merits.

With the above observations, the revision petition is dismissed.