
(2005) 03 RAJ CK 0074
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3714/99

Smt. Birdhi Devi	Vs	APPELLANT
State of Rajasthan and Others		RESPONDENT

Date of Decision : 28-03-2005

Acts Referred:

Citation : (2005) 2 CivCC 474 : (2005) 3 RCR(Civil) 142

Hon'ble Judges : Shiv Kumar Sharma, J

Bench : Single Bench

Advocate : Prakash Chand Jain, for the Appellant;

Judgement

Shiv Kumar Sharma, J.—The Executing Court while executing the decree for the specific performance forwarded the draft sale-deed for registration to the Sub Registrar of Documents Jaipur II. The matter ultimately came up to the Additional Collector Stamps Jaipur, who vide judgment dated January 12, 1995 declined to register the sale-deed unless amount in the sum of Rs. 78,500/- against stamp duty, registration charges and penalty is not paid. Impugning this order the instant writ petition has been filed by the petitioner.

2. Having heard learned counsel for the petitioner and on careful scrutiny of the material on record, I find that the impugned order is ex-facie perverse and deserves to be quashed. The Sub Registrar of Documents Jaipur II was duty bound to register the document as sent to him by learned Civil Judge (Senior Division) Jaipur City, Jaipur for registration. It was not his concern to see whether the marked value of the property as given in the instrument was proper or correct. That being the legal position in this case the Registration Authorities cannot contend that the value of the property shown in the sale deed was not true consideration (Vide Sub Sub-Registrar, Nalgonda Dist. Vs. Amaranaini China Venkat Rao and others, and S.P. Padmavathi Vs. State of Tamil Nadu and Others,

3. Since the Registration Authority exceeded jurisdiction in passing the impugned order, I have no option but to allow the writ petition and set aside the impugned

order dated January 12, 1995 of Additional Collector Stamps Jaipur. The writ petition accordingly stands allowed and impugned order is quashed. The Sub Registrar Documents Jaipur II is directed to register the document on the same amount shown in the document sent to him by the Executing Court learned Civil Judge (Senior Division) Jaipur City, Jaipur within a period of thirty days from the date of receipt of copy of this order. No costs.