RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6298/2026

CNR: RJHC020259512026 | URN: CW / 13946U / 2026

Rajasthan High Court
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Radheshyam Gupta S/o Shri Shambhu Dayal, Resident Of Street Of Opposite Dr. Khoongar, Nayi Basti, Ramganj, Ajmer 305003, Raj.

----Petitioner/Defendant No.1

Versus

1. Ankur Khandelwal S/o Shri Banwari Lal, Resident Of Behind Police Station, Near Jain Oil Mill, Ward No.15, Sikandara Road, Bandikui, Tehsil Bandikui, Distt. Dausa.

.....Respondent/Plaintiff

2. Pushpendra Khandelwal S/o Chandra Prakash Khandelwal, Resident Of Behind Police Station, Opposite Kabristan, Ward No.18, Bandikui, Tehsil Bandikui, Distt. Dausa.
3. Krishan Gopal Khandelwal S/o Chandra Prakash Khandelwal, Resident Of Behind Police Station, Opposite Kabristan, Ward No.18, Bandikui, Tehsil Bandikui, Distt. Dausa.
4. Smt. Chandrakalan Devi W/o Chandra Prakash Khandelwal, Resident Of Behind Police Station, Opposite Kabristan, Ward No.18, Bandikui, Tehsil Bandikui, Distt. Dausa.
5. Sumit Khandelwal S/o Murari Lal Khandelwal, Resident Of Plot No. 575, Surya Nagar, Gopalpura Bypass, Jaipur 302015, Raj.
6. Smt. Pushpa Khandelwal W/o Murari Lal Khandelwal, Died On 30.07.2023
7. Prakash Chand Gupta S/o Shambhu Dayal Gupta, Resident Of Behind Police Station Bandikui, Near Shyam Temple, Ward No. 18 Bandikui, Tehsil Bandikui, Distt. Dausa.
8. Satya Narayan Gupta S/o Shambhu Dayal Gupta, Resident Of Street Of Opposite Methi Choice Palace, Near Khadi Gram Bhandar, Sikandara Road, Bandikui, Tehsil Bandikui, Distt. Dausa.
9. Smt. Prem Lata Khandelwal D/o Shambhu Dayal Gupta W/o Sushil Kumar Khandelwal, Resident Of 570/27,

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Behind Police Chowki, Ramganj, Ajmer 305003, Raj.

10. Smt. Dhapli Devi W/o Shambhu Dayal Gupta, Died On 01.03.2024

11. Smt. Urmila Devi W/o Banwari Lal, Resident Of Behind Police Station, Near Jain Oil Mill, Ward No. 15, Sikandara Road, Bandikui, Tehsil Bandikui, Distt. Dausa.

12. Smt. Bebi Khandelwal D/o Banwari Lal W/o Babu Lal Khandelwal, Resident Of Ram Prasad Dhaukriya Vivekanand Colony, Sunderdas Marg, Dausa 303303, Raj.

13. Smt. Pushpa Khandelwal D/o Banwari Lal W/o Tanuj Khandelwal, Resident Of 212 Saket Colony Makarwali Road, Vaishali Nagar, Ajmer 305004, Raj.

14. Smt. Rajni Khandelwal D/o Banwari Lal W/o Anil Kumar Gupta, Resident Of E 25, Saraswati Nagar Getor, Malviya Nagar, Jaipur 302017, Raj.

15. Smt. Smita Devi W/o Ankit Khandelwal, Resident of K.55, Kishan Nagar, Shyam Nagar, Jaipur.

16. Kumari Navya @ Niya D/o Ankit Khandelwal, Minor Through Mother Smita Devi Resident of K.55, Kishan Nagar, Shyam Nagar, Jaipur.

--Performa-Respondents/Defendant No.2 to 16

Connected With

S.B. Civil Writ Petition No. 6290/2026

CNR: RJHC020322942026 | URN: CW / 13937U / 2026

Radheshyam Gupta S/o Shri Shambhu Dayal, Resident Of Street Of Opposite Dr. Khoongar, Nayi Basti, Ramganj, Ajmer 305003, Raj.

----Petitioner/Defendant No.1

Versus

1. Ankur Khandelwal S/o Shri Banwari Lal, Resident Of Behind Police Station, Near Jain Oil Mill, Ward No.15, Sikandara Road, Bandikui, Tehsil Bandikui, Distt. Dausa.

....Respondent/Plaintiff

2. Pushpendra Khandelwal S/o Chandra Prakash Khandelwal, Resident Of Behind Police Station, Opposite Kabristan, Ward No.18, Bandikui, Tehsil Bandikui, Distt. Dausa.

3. Krishan Gopal Khandelwal S/o Chandra Prakash Khandelwal, Resident Of Behind Police Station, Opposite

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Kabristan, Ward No.18, Bandikui, Tehsil Bandikui, Distt. Dausa.

4. Smt. Chandrakalan Devi W/o Chandra Prakash Khandelwal, Resident Of Behind Police Station, Opposite Kabristan, Ward No.18, Bandikui, Tehsil Bandikui, Distt. Dausa.

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5. Sumit Khandelwal S/o Murari Lal Khandelwal, Resident Of Plot No. 575, Surya Nagar, Gopalpura Bypass, Jaipur 302015, Raj.

6. Smt. Pushpa Khandelwal W/o Murari Lal Khandelwal, Died On 30.07.2023

7. Prakash Chand Gupta S/o Shambhu Dayal Gupta, Resident Of Behind Police Station Bandikui, Near Shyam Temple, Ward No. 18 Bandikui, Tehsil Bandikui, Distt. Dausa.

8. Satya Narayan Gupta S/o Shambhu Dayal Gupta, Resident Of Street Of Opposite Methi Choice Palace, Near Khadi Gram Bhandar, Sikandara Road, Bandikui, Tehsil Bandikui, Distt. Dausa.

9. Smt. Prem Lata Khandelwal D/o Shambhu Dayal Gupta W/o Sushil Kumar Khandelwal, Resident Of 570/27, Behind Police Chowki, Ramganj, Ajmer 305003, Raj.

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13. Smt. Pushpa Khandelwal D/o Banwari Lal W/o Tanuj Khandelwal, Resident Of 212 Saket Colony Makarwali Road, Vaishali Nagar, Ajmer 305004, Raj.

14. Smt. Rajni Khandelwal D/o Banwari Lal W/o Anil Kumar Gupta, Resident Of E 25, Saraswati Nagar Getor, Malviya Nagar, Jaipur 302017, Raj.

15. Smt. Smita Devi W/o Ankit Khandelwal, Resident Of K.55, Kishan Nagar, Shyam Nagar, Jaipur.

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--Performa-Respondents/Defendant No.2 to 16

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For Petitioner(s) : Mr. Keshav Kumar Agrawal
For Respondent(s) : Mr. Prakhar Gupta with
Mr. Sanjay Kumar Sharma

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

REPORTABLE

1	Arguments concluded on	13/10/2026
2	Judgment Reserved on	13/10/2026
3	Full Judgment or Operative Part Pronounced :	Full Judgment
4	Pronounced on	30/10/2026

1. In the present batch of writ petitions, the scope of the controversy involved is broadly defined by the challenge raised regarding two sequential orders passed by the learned Additional District Judge No.2, Bandikui (hereinafter referred to as the 'Civil Court'. By way of the first petition (S.B. CWP No. 6290/2026), the challenge has been put to the order dated 07.10.2025 (Annexure-3) whereby a Relinquishment Deed dated 05.12.2009 was held inadmissible in evidence for want of registration and by way of the second petition (S.B. CWP No. 6298/2026), the challenge has been laid to the subsequent order dated 25.02.2026 (Annexure-6), whereby the application moved by the petitioner to send the same inadmissible document to the Collector (Stamps), Jaipur for impounding was dismissed.

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2. Consequently, considering the fact that the writ petitions warrant adjudication on common questions of law and fact; with the consent of learned counsel appearing on behalf of the parties, **S.B. Civil Writ Petition No.6298/2026** titled **Radheyshyam Gupta v. Ankur Khandelwal & Ors.** is being taken up as the main case. It is cautiously clarified that any discrepancies in the present batch of writ petitions pertain purely to the factual narratives contained therein and not *vis-a-vis* the questions of law to be determined by this Court; the instant judgment shall be applicable to the petitions connected herein on a *mutatis mutandis* basis.

FACTUAL MATRIX OF THE LIS AT HAND:

3. The factual matrix culminating in the present adjudication is exhaustively delineated as under:

3.1 The respondent No.1-plaintiff instituted a civil suit (Annexure-1) for cancellation of a sale deed, declaration, partition, and permanent injunction in respect of the disputed properties i.e., the house and the shop.

3.2 After service of summons, the petitioner-defendant filed a written statement on 04.05.2022 (Annexure-2), claiming exclusive right, title, and possession over the disputed properties on the basis of a Relinquishment Deed dated 05.12.2009 (Annexure-5) allegedly executed by the plaintiff's father, namely Shri Banwari Lal.

3.3 During the course of the underlying civil proceedings, the respondent No.1-plaintiff moved an application under Section 17

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of the Registration Act, 1908 (Annexure-R/1), contending that the said Relinquishment Deed is unregistered and hence inadmissible under the eyes of law. The learned Civil Court, vide order dated 07.10.2025 (Annexure-3), allowed the said application and held the document to be inadmissible in evidence for want of compulsory registration.

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3.4 Subsequent to the said order, the petitioner moved an application dated 07.11.2025 (Annexure-4), volunteering to pay the deficit stamp duty chargeable on the relinquish deed and praying that the document be sent to the Collector (Stamps) for impounding, and thereafter, it may be allowed as admissible in evidence.

3.5 The learned Civil Court, vide the impugned order dated 25.02.2026 (Annexure-6), dismissed the said application moved by the petitioner, observing that since the document is already legally inadmissible for want of registration, sending it for impounding for stamp duty is a futile academic exercise and an indirect method to review the earlier order.

SUBMISSIONS BY LEARNED COUNSEL APPEARING ON BEHALF OF THE PETITIONER:

4. At the outset, learned counsel for the petitioner contended that the impugned orders dated 07.10.2025 and 25.02.2026 passed by the learned Civil Court are arbitrary and suffer from patent error in the eyes of law. To substantiate the claim for relief, the following exhaustive grounds were canvassed:

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4.1 It was vehemently contended that non-payment of stamp duty is a curable defect. If an insufficiently stamped instrument is presented before the Court, the Court is statutorily bound to impound the same under the Rajasthan Stamp Act, 1998 irrespective of its registration status.

4.2 It was averred that an unregistered document can be looked into for "collateral purposes" under the proviso to Section 49 of the Registration Act, 1908 specifically to show severancy of status and the nature of possession, provided it is duly stamped.

4.3 Learned counsel relied upon the dictum enunciated by the Hon'ble Supreme Court in **Krishnavati Sharma v. Bhagwandas Sharma**, **2026 INSC 300** and **Sita Ram Bhama v. Ramvatar Bhama**, **2018 INSC 260**, to argue that the learned Civil Court erred in refusing to impound the document.

4.4 Relying upon the ratio laid down by the Hon'ble Supreme Court in **Bipin Shantilal Panchal v. State of Gujarat**, **2001 INSC 106**, it was contended that the decision regarding admissibility should ideally be deferred until the final stage of the judgment.

SUBMISSIONS BY LEARNED COUNSEL APPEARING ON BEHALF OF THE RESPONDENTS:

5. *Per contra*, learned counsel appearing on behalf of the respondents vehemently opposed the present petitions and prayed for their summary dismissal. The grounds canvassed are meticulously recorded *ad infra*:

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5.1 It was stoutly contended that the defects of insufficient stamping and non-registration operate in distinct fields of law and are not interchangeable.

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5.2 It is submitted that while stamping is curable, the statutory consequence of non-registration under Sections 17 and 49 of the Registration Act, 1908 is an incurable defect and that paying the deficit stamp duty cannot automatically cure the fatal defect of non-registration.

5.3 Controverting the petitioner's argument regarding "collateral purpose", learned counsel for the respondents relied upon the dicta encapsulated by the Hon'ble Supreme Court in **M/s Paul Rubber Industries Private Limited v. Amit Chand Mitra & Anr.**, **2023 INSC 854** and **Korkunda Chalapathi Rao & Anr. v. Korkunda Annapurna Sampath Kumar**, **2022 (15) SCC 475**.

5.4 It was emphatically submitted that since the petitioner is claiming exclusive possession and title over the disputed house based on the Relinquishment Deed, the nature of possession constitutes the primary *lis* between the parties, and therefore, it cannot be termed a mere "collateral purpose".

5.5 Learned counsel further submitted that the application to impound the document was a gross abuse of process. If the petitioner genuinely desired to pay the deficit stamp duty, he was entirely free to do so independently as per the provisions enshrined under Section 4 of the Rajasthan Stamp Act, 1998 read with Rule 3A of the Rajasthan Stamp Rules, 1962, which allows direct payment of deficient duty to the State Government. It is

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averred that moving an application before the learned Civil Court for the purpose of impounding a document that it has already declared inadmissible is an oblique, dilatory tactic meant solely to delay the underlying proceedings.

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5.6 Lastly, countering the petitioner's reliance on **Bipin Shantilal Panchal (supra)**, learned counsel for the respondents highlighted that the said judgment was distinguished by the Coordinate Bench of this Court in **Ramesh Chandra & Ors. v. Additional District Judge & Ors.**, **2010 (2) RLW 1785 (Raj)**, which clarified that objections regarding the fundamental admissibility of a document, such as non-registration, going to the root of the matter must be decided forthwith, and the same shall not deferred to the final arguments.

DISCUSSION AND FINDINGS:

6. Having heard the rival submissions advanced by the learned counsel for the parties at length, considering the judgments cited at Bar, and upon an assiduous perusal of the material available on record, including but not limited to the Impugned Orders dated 07.10.2025 and 25.02.2026 and the Relinquishment Deed dated 05.12.2009, this Court is of the view that the present adjudication necessitates a delicate balancing of statutory mandates under the Registration Act, 1908 and the Rajasthan Stamp Act, 1998, to ensure that the extraordinary supervisory jurisdiction of this Court enshrined under Article 227 of Constitution of India is not weaponized to cure incurable defects or to bypass established procedural frameworks.

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7. This Court observes that the learned Civil Court, while passing the impugned order dated 07.10.2025 (Annexure-3), has meticulously and accurately applied the mandate of Section 17(1)(b) read with Section 49 of the Registration Act, 1908. Therefore, the said document unequivocally purports to extinguish rights in an immovable property of a value exceeding Rs. 100/- and mandates compulsory registration. The learned Civil Trial Court appropriately relied upon the judicial pronouncements in **Swaroop Singh v. Subhash Singh, 2018 (4) RLW 3297 (Raj.)**, and **Dinaji v. Daddi**, **AIR 1990 SC 1153** to conclude that such an unregistered document is wholly inadmissible in evidence.

8. This Court notes that the legislative intent behind Section 17 read with Section 49 of the Registration Act, 1908, is absolute and admits no equitable circumvention. The Relinquishment Deed dated 05.12.2009 purports to extinguish rights in immovable property and thus squarely falls within the ambit of compulsory registration. The learned Civil Court, vide order dated 07.10.2025, rightly held the said document to be inadmissible in evidence.

9. This Court is of the considered view that there exists a fundamental fallacy in the petitioner’s argument conflating the provisions enshrined under the Rajasthan Stamp Act, 1998 with the Registration Act, 1908. While the defect of insufficient stamping may be a curable irregularity, the non-registration of a compulsorily registrable document is a fatal and incurable defect.

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Curing the stamp defect will not resurrect a document that is dead in the eyes of the law for want of registration.

10. This Court notes that the petitioner's reliance on the proviso to Section 49 of the Registration Act, 1908 for "collateral purposes" is entirely misconceived under the present factual matrix. As highlighted by learned counsel for the respondents, the Hon'ble Supreme Court in **M/s Paul Rubber Industries Private Limited (supra)** has categorically settled that when the nature and character of possession constitute the primary dispute for adjudication, the unregistered deed cannot form a "collateral purpose". This Court is conscious of the fact in the case at hand, the petitioner is using the deed to claim exclusive title and possession against the plaintiff, and the same is the core *lis inter se* the parties and not a collateral incident.

11. This Court further observes that the application dated 07.11.2025 (Annexure-4) moved on behalf of the petitioner for impounding the said deed was nothing but a vexatious attempt to derail the ongoing civil proceedings. As rightly pointed out by the respondents, if the petitioner was genuinely desirous of curing the stamp defect, he had the independent statutory liberty to deposit the deficit duty as per the provisions enshrined under Rule 3A of the Rajasthan Stamp Rules, 1962.

12. This Court is of the opinion that burdening the learned Civil Court to impound a document that has already been judicially pronounced inadmissible is a futile academic exercise and that the reasoning adopted by the learned Civil Court in the impugned

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order dated 25.02.2026 (Annexure-6) is impeccable and warrants no supervisory interference.

13. This Court is of the view that the learned Civil Court acted correctly in deciding the admissibility of the document immediately rather than deferring it to the final stage, in light of the ratio laid down by the Co-ordinate Bench of this Court in **Ramesh Chandra (supra)**. Postponing a fundamental objection regarding admissibility that goes to the root of the matter would defeat the very objective of expedited civil proceedings.

CONCLUSION:

14. Operating as the *sentinel on the qui vive* (watchful guardian of the Constitution), this Court cannot remain a mute spectator to the myriad dilatory tactics employed by litigants to protract civil proceedings and permit the supervisory jurisdiction enshrined under Article 227 of the Constitution of India to be exploited to revive legally inadmissible documents or to foster dilatory tactics in civil proceedings.

15. In view of the foregoing discussion and findings, this Court is of the considered view that the petitioner has failed to establish any jurisdictional error, patent illegality, or procedural irregularity in the orders passed by the learned Civil Court. The learned Civil Court has acted strictly in accordance with the law, and therefore, the orders dated 07.10.2025 and 25.02.2026 passed by the learned Civil Court stand affirmed.

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16. Accordingly, the present batch of writ petitions, being bereft of any merit, stands **dismissed**. Pending applications, if any, shall stand disposed of. No order as to costs.

17. It is made clear that interim orders, if any, passed by this Court in the present proceedings shall stand vacated forthwith.

18. A copy of the present order be placed in each connected petition.

(SAMEER JAIN),J

25-26 (DA)/JKP

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