CASE NO.:
Special Leave Petition (civil) 1969 of 2002

PETITIONER:
GURBAX SINGH

RESPONDENT:
KARTAR SINGH AND ORS.

DATE OF JUDGMENT: 11/02/2002

BENCH:
SYED SHAH MOHAMMED QUADRI & BISHESHWAR PRASAD SINGH

JUDGMENT:
JUDGMENT

2002 (1) SCR 940

The following Order of the Court was delivered : Heard the learned counsel for the petitioner.

Jarnail Singh, respondent No. 2 executed two documents of sale (Exs. P-2 and D-l) on November 25, 1991. Having regard to the findings of the Courts below that Ex. P-2 was executed earlier than Ex.D.I-land having noted Ex. P-2 in favour of the first respondent was executed at 10.00 a.m. and it was not shown when Ex. D-l was executed in favour of the petitioner, the High Court, vide its order dated October 25, 2001, in RSA No. 4050 of 1999 confirmed the concurrent finding of the courts below holding that Ex. P-2 prevails over Ex. D-l and thus dismissed the second appeal. It is against the said order that this Special Leave Petition is filed.

In view of the provisions of Section 47 of the Registration Act, 1908 it is well-settled that a document on subsequent registration will take effect from the time when it was executed and not from the time of its registration. Where two documents are executed on the same day, the time of their execution would determine the priority irrespective of the time of their registration. The one which is executed earlier in time will prevail over the other executed subsequently. In view of the concurrent findings, referred to above, the High Court has rightly held that Ex. P-2 prevails over Ex. D-l . We find no illegality in the order of the High Court warranting our interference under Article 136 of the Constitution of India.

Accordingly, the Special Leave Petition is dismissed.