

Joint Registrar (J) (Budget)

May kindly see the online application received from Sri Satendra Kumar, Principal Judge, Family Court, Kannauj has submitted supplementary details/ papers in connection with grant of permission to purchase a semi-furnished house no. 3 built on plot A2, on khasra no. 127 measuring 1250 sq. ft., situated at Vashishthpuram, 60ft. Road, Madiyaon Lucknow, U.P. in compliance of Court's order.

In this connection, it is submitted that in his earlier application, Sri Satendra Kumar has requested for grant of permission to purchase the above mentioned house from Smt. Babita Agarwal W/o Bihari Lal Agarwal, R/o 27 Sitapur Road, Bhrama Nagar, Daliganj, Lucknow, U.P. for Rs. 25,00,000/-. The matter was submitted before Hon'ble Mr. Justice Virendra Kumar-II, vide detailed office note dated 08.01.2021 upon which His Lordship had been pleased to order on 05.03.2021:-

“The officer Satendra Kumar, Principal Judge, Family Court, Kannuj has applied for grant of permission to purchase a semi-furnished House No. 03, Area 1250 Sq. Ft., built on plot A2, on Khasra No. 127 situated at Vasisthpuram, Madiyaon, Jankipuram, Lucknow from Mrs. Babita Agarwal for consideration of Rs. 25,00,000/-. He has paid earnest money Rs. 50,000/- through cheque no. 670112 of SBI dated 10.10.2020. The officer has entered in Un-registered agreement for sale with owner Smt. Babita Agarwal, which has been attested by the Advocate notary. The officer be asked within a month to furnish registered agreement for sale, then his application shall be considered. The officer has to further clarify the source of payment of consideration of the aforesaid sale deed also.”

The order was communicated online to the officer.

In reply of the Court's order, Sri Satendra Kumar, has now stated that:-

- As far as the first objection is concerned regarding registered sale deed instead of un-registered agreement attested by the Advocate notary to be furnished within one month, it is pertinent to draw the attention towards this point that due to the Covid-19 pandemic, the seller i.e. Smt. Babita Agarwal who is a resident of Lucknow could not be contacted personally (as there was lockdown) due to which reply could not be sent on time.
- Secondly, after the lockdown was over, the owner Smt. Babita Agarwal was informed about registered sale deed of the proposed house but she confirmed that after payment of 75% of the total amount of Rs. 25,00,000/-, registered sale deed will be executed. Afterwards, she has also confirmed that if such a registered sale deed is executed, the officer will have to pay the remaining amount within a month & thus registered agreement for sale is compulsory for him.
- Thirdly, other than the said amount, the stamp charges at the time of execution of sale deed is also to be paid which is quite high.
- Fourthly, it is humbly requested that after the execution of registered sale deed within the stipulated time given by the seller & in anticipation of grant of permission regarding the purchase of the aforementioned house, the officer will be in a dilemma as the seller would force him legally to execute the process regarding payment of the house.
- Therefore, keeping in view of all the above mentioned reasons as well as the position of the officer, he has requested the Hon'ble Court to allow him for un-registered agreement instead of registered sale deed, which is more convenient for him.

Furthermore, the officer was also asked to clarify the source of payment of consideration of the aforesaid sale deed also, for which he has stated that:-

- That he has been granted Rs. 20,00,000/- for the purchase of the aforementioned house & Rs.

28,40,000/- for construction of the said house i.e. in total Rs. 48,40,000/- is stated to have been taken as housing loan from PNB, Lucknow, repayable in 240 EMIs of Rs. 42,927/- (Loan sanction of letter dated 09.12.2020 of PNB Housing Finance Ltd. can be seen in the attachments). It is pertinent to mention here that at present his monthly gross salary is Rs. 2,11,053/- & take home salary is Rs. 1,40,081/-. At present, he has a balance of Rs. 22,00,000/- in his A/c & he does not have any loan pending on him. His family comprises of himself, his wife & a son & he can pay the EMI of the present loan very easily with his salary. Copy of loan arrangement letter & salary slips can be seen as attachment.

As such, the matter is now required to be submitted again to Hon'ble Court for further order, as proposed in earlier office note dated 08.01.2021, by taking into consideration the present reply/details, as submitted by the officer in compliance of Hon'ble Court's order/query.

May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Ajai Kumar Srivastava-I, Nominated Judge for disposal of the matters of Judicial Officers, of information/ permission of sale/ purchase of movable/ immovable property or gift etc. for the district Kannauj, for His Lordship's kind perusal & if His Lordship approves, permission be granted to Sri Satendra Kumar, Principal Judge, Family Court, Kannauj to purchase semi-furnished house no. 3 built on plot A2, on khasra no. 127 measuring 1250 sq. ft., situated at Vashishthpuram, 60ft. Road, Madiyaon Lucknow, U.P. for Rs. 25,00,000/- from Smt. Babita Agarwal W/o Bihari Lal Agarwal, R/o 27 Sitapur Road, Bhrama Nagar, Daliganj, Lucknow, U.P., as requested, subject to the condition that the relevant papers of the transaction alongwith copy of the sale deed be furnished by him immediately on completion of the transaction?

Munmun Narang R.O.

Mohd. Arshad A.R.

01.07.2021

Hon'ble Mr. Justice Ajai Kumar Srivastava-I,

Nominated Judge

Submitted for kind perusal & order

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