

**S.B. Civil Writ Petition NO.1838/2005**

Hanuman Bux & Ors.

vs

Shri Niwas & Ors.

**DATE OF ORDER : - 30.3.2005**

**HON'BLE MR. PRAKASH TATIA,J.**

Mr. Sajjan Singh, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 7<sup>th</sup> March, 2005. According to learned counsel for the petitioner by the deed Annex.2, the property has been gifted to one Ghyan Dutt and the document in question is not a trust deed. According to petitioner, the deed in question is, therefore, required to be executed on proper stamps and since it has not been properly stamped, therefore, it is required to be impounded.

I considered the submissions of learned counsel for the petitioner. It is not in dispute that the deed in question provides that the property will vest in the trust and the trust shall have power to alienate the property for the purpose of achieving the object of the trust and this power has been given to one of the trustee Smt. Suraj Bai. The beneficiary in the trust deed is a minor Ghyan Dutt, therefore, at

the time of execution of the deed, the parties were fully conscious and executed a deed to create trust.

In view of the above, I do not find that the court below has committed any error of law while rejecting the petitioner's objection. Hence, I do not find any merit in this writ petition and the same is hereby dismissed.

**(Prakash Tatia), J.**

c.p.goyal/-