

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1828 OF 2013

SANJEEVAKUMAR HARAKCHAND KANKARIYA
VERSUS
SAINATHA DADARAO JADHAV AND OTHERS

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Advocate for Petitioners : Mr. Thigale Girish K. (Naik)
Advocate for Respondents 2, 4 to 6 : Mr. A.G. Kanade
AGP for Respondent No.7: Mr. D.B. Bhange

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CORAM : V. K. JADHAV, J.

DATED : 30th SEPTEMBER, 2015

P.C. :-

1. Leave to add party-respondent. Addition be carried out forthwith.
2. Learned A.G.P. waives notice for added respondent No.7
3. The petitioner/original plaintiff has instituted a suit for declaration and specific performance of contract. The respondents defendants had filed an application for impounding of the document, agreement of sale dated 22.7.2008, on the ground that same is not adequately stamped. Accordingly, the learned Judge of the trial court has directed to impound the documents and referred the said documents to the District Collector, Stamps. The District Collector,

Stamps was pleased to direct the petitioner to pay deficit stamp duty amounting to Rs.9,00,000/- (Rupees Nine lacs only). Being aggrieved by the same, the petitioner/original plaintiff has preferred an appeal before the Chief Controller of Stamp, Maharashtra State, Pune and the same is pending since the year 2012.

4. The petitioner/original plaintiff has instituted suit in the year 2012 bearing Special Civil Suit No. 117 of 2012. This Court by order dated 6.3.2013 has stayed further proceedings in the suit.

5. In view of this, writ petition can be disposed of by directing the Chief Controller, Stamps, Maharashtra State, Pune to dispose of the appeal preferred by the petitioner. Hence, the following order:-

ORDER

- I. The Chief Controller, Stamps, Maharashtra State, Pune is hereby directed to dispose of the appeal preferred by the petitioner Sanjeevkumar Harakchand Kankariya on 25.6.2012, within one month from today.
- II. Till the disposal of said appeal, interim order passed by this court shall remain in force.

- III. Writ petition is disposed of in the above terms. No costs.
- IV. learned A.G.P. to communicate this order to the Chief Controller, Stamps, Maharashtra State, Pune forthwith.
6. Parties to act on authenticated copy of this order.

(V. K. JADHAV, J.)

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