

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11795 OF 2014

BHASKAR MANOHARRAO JOSHI

PETITIONER

VERSUS

SANTOSH GOVINDRAO UDHAN

RESPONDENT

Mr.M.D.Godhamgaonkar, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/01/2015

PER COURT :

1. Heard Mr.M.D.Godhamgaonkar, learned Advocate for quite some time.
2. The petitioner is the original defendant in RCS No.794/2012. The original plaintiff moved an application Exh.54 praying for orders to exhibit the notarized sale deed of the suit property as well as the notarized consent deed of the suit property on the basis of the oral evidence of the Notary Adv.More recorded at Exh.41 as the P.W.No.2.
3. After hearing the litigating parties, the Trial Court has allowed application Exh.54 by the impugned order dated 19/11/2014.
4. Grievance of the petitioner is that the notarized sale deed as well as the consent deed are forged documents and he desires to disprove them. They have not been adequately stamped and

therefore should be discarded. By the impugned order, the plaintiff has been given the opportunity to cure the deficiency which is detrimental to the interest of the petitioner. It is, therefore, submitted that the impugned order needs to be set aside, being unsustainable.

5. Having considered the submissions of the learned Advocate for the petitioner and the impugned order, I do not find that the said order could be termed as being perverse or erroneous. The Maharashtra Stamp Act (Erstwhile Bombay Stamp Act) in fact provides for doing away with such deficiency and also provides for imposition of penalty.

6. In my view, since both the documents were notarized, the Trial Court has rightly directed that the said documents be impounded and the appropriate authority i.e. the Collector (Stamps) shall deal with the said documents and shall decide the deficit stamp duty and impose appropriate penalty, as is permissible in law. The order of the Trial Court is in tune with the scheme of the Maharashtra Stamp Act.

7. As such, this petition, being devoid of merit, is therefore dismissed.

(RAVINDRA V. GHUGE, J.)

