

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 125 OF 2015

MR. ALEIXO DOMINGOS FERNANDES
ALIAS ALEX DOMINIC FERNANDES @
DOMINIC FERNANDES AND 8 ORS.,

... Petitioners

Versus

MR. JYOTIN CHOPRA AND 4 ORS.,

... Respondents

Mr. M. B. Da Costa, Senior Advocate with Ms. S. Chodankar,
Advocate for the petitioners.

Mr. S. S. Kantak, Senior Advocate with Mr. A. Kamat, Advocate for
the respondents.

Coram:- F. M. REIS, J.

Date:- 10th July, 2015

P.C.

Heard Mr. M. B. Da Costa, learned Senior Counsel appearing
for the petitioners and Mr. S. S. Kantak, learned Senior Counsel
appearing for the respondents.

2. Upon hearing the learned Senior Counsel appearing for the
respective parties, Mr. Kantak, learned Senior Counsel appearing for
the respondents has pointed out that the learned Judge has held in the
impugned order that the issue as to whether the respondents would be
liable to pay the deficit stamp duty under Section 35 of the Stamp
Act would be examined only in case the Court holds finally that the
disputed memorandum of understanding is an agreement of sale.

3. Mr. Costa, learned Senior Counsel appearing for the petitioners upon instructions submits that the petitioners accept that the memorandum of understanding is in fact an agreement of sale. In such circumstances, the dispute raised in the above petition would not survive as the respondents would be liable to pay the deficit stamp duty in terms of Section 35 of the Stamp Act.

4. Mr. S. S. Kantak, learned Senior Counsel appearing for the respondents states that the respondents will pay the requisite stamp duty treating the subject memorandum of understanding dated 24.08.2011 as an agreement of sale and the valuation therein within two weeks.

5. In view of the above, the petition stands disposed of accordingly.

F. M. REIS, J.

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