

THE HONOURABLE SRI JUSTICE DILIP B.BHOSALE
CIVIL REVISION PETITION No.3442 OF 2014

ORAL ORDER:

Heard learned counsel for the parties.

This Civil Revision Petition is against the order dated 10.09.2014 passed on I.A.No.462 of 2014 in O.S.No.3037 of 2011 whereby the petitioner's application under Sections 33 and 35 of the Stamp and Registration Act has been dismissed.

It appears that an application bearing I.A.No.2 of 2013 filed by the petitioner earlier was allowed vide order dated 25.02.2013. The order dated 25.02.2013 reads thus:

"2. Heard learned counsel for the petitioner.

This petition is filed to send agreement of sale dated 22.12.2003, agreement of sale dated 18.04.2002 to the District Registrar for Validation.

3. The petition is opposed by respondent in the counter that the documents are forged, fabricated and the petitioner under the guise of these documents is intending to grab the property.

4. Heard both Counsels.

Since the petitioner wants to validate the documents, which are deficit in stamp duty need to be sent to the Registrar for proper validation. Whether the documents are fabricated and created cannot be gone into at this stage. Hence the prayer to send the documents for validation is accepted.

5. In the result, the petition is allowed. Office to send agreement of sale dated 22.12.2003 and agreement of sale dated 18.04.2002 to the District Registrar for collection of deficit stamp duty and penalty."

By impugned order, the Court below dismissed the application holding that filing of the second application would operate *res judicata*.

In this backdrop, learned counsel for the respondent fairly stated that if the petitioner makes an application before the Court below for impounding the document by the Court, he will not raise any objection for

the same. He made such submission so as to avoid further delay.

Learned counsel for the petitioner states that he is prepared to make an application, as aforementioned, before the Court below within a period of ten days from today. His statement is accepted.

In view thereof, nothing further survives in this Civil Revision Petition and it is disposed of as such. No order as to costs.

It is needless to mention that the petitioner will have to make the application, as aforementioned, within a period of ten days from today and if any such application is filed, having regard to the no-objection recorded in this order on behalf of the respondent, the Court below may impound the document and take further steps in accordance with law.

Miscellaneous petitions pending in the Civil Revision Petition, if any, also stand disposed of.

DILIP B.BHOSALE, J

6th February, 2015.

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