

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9843 OF 2016

Balaji Gangadhar Jakre

..PETITIONER

VERSUS

Bala @ Balaji Vithal Jakre

..RESPONDENT

....
Mr. P.S. Chavan, Advocate for petitioner.

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**CORAM : T.V. NALAWADE, J.
DATED : 04th OCTOBER, 2016**

ORDER :

1. The petition is filed to challenge the order made on Exhibit 71 in Regular Civil Suit No. 30 of 2009 which is pending before the Civil Judge, Junior Division, Degloor. The application was filed for giving exhibit to so called sale deed executed on general stamp of Rs.5/- of immovable property worth Rs.2,500/-. The Trial Court has refused to give exhibit to the so called sale deed and documents in evidence as it is not registered and necessary stamp duty is not paid.

2. The learned Counsel for petitioner placed reliance on one reported case in *AIR 2001 SC 1158 (Bipin Shantilal Panchal Vs. State*

of Gujarat and Another). The said case was in respect of criminal trial in which Supreme Court observed that Court needs to make note of objections and mark the objections taken tentatively as documents need to be identified in the later stage of matter. Reliance is placed on another reported case *AIR 2003 BOMBAY 192 (Nagimbhai P. Desai Vs. Taraben A. Sheth)* and it was agreement of sale and not the sale document. Also it was executed in the year 1988.

3. The present document was allegedly executed in the year 1986 but it is sale document and not agreement of sale. The law with regard to agreement of sale when possession is handed over change after 1986 and so the reported case is of no use. Further the document is described as sale deed and it is required to be registered. In view of this, no Court could have given exhibit to these documents and no interference is warranted in the order made by the Trial Court. In the result, petition is dismissed.

(T.V. NALAWADE, J.)

SSD