

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Aniket P. Ranade for the petitioner
Mr. S. J. Rairkar, AGP for the respondent No.1.

CORAM : K. K. TATED, J.
DATE : JUNE 8, 2016

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner plaintiff challenges the order dated 28.07.2014 passed by the Jt. Civil Judge, Senior Division Ratnagiri below Exhibit- 24 and 28 in Special Civil Suit No. 16/2014 sending a copy of Memorandum of Understanding dated 04.05.2011 and a copy of partnership agreement dated 28.05.2011 to the Collector of Stamps, Ratnagiri for determining the stamp duty payable by the plaintiff.

2. In the present proceedings, the plaintiff in his reply dated 08.01.2013 through public notice admitted that pursuant to the Memorandum of Understanding he got possession of the suit property. These facts are considered by the Trial

Court in paragraph 17 and passed the impugned order impounding these two documents as per section 33 of the Maharashtra Stamp Act, 1958.

3. Considering these facts, I do not find any reason to interfere with the said order under Article 227 of the Constitution of India.

4. It is made clear that the Collector of Stamps, Ratnagiri to determine the stamp duty, if any, payable by the plaintiff on these two documents, according to law.

5. Writ Petition stands dismissed with the aforesaid observations.

JUDGE