

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1476 OF 2016

Mr. Jagdish Trikamji Gajjar

..Petitioner

Versus

The Collector of Stamp

Execution (Amalbajavni)-II,

Bombay Stamp Office,

Central Library, Mumbai-400 001 and another

..Respondents

Mr. S. T. Manek for the Petitioner.

Mr. M. A. Sayed, AGP for the Respondent Nos.1 & 2.

CORAM : R. M. SAVANT, J.

DATE : 20th SEPTEMBER, 2016

PC.

1 The dispute in the above Petition is as regards the adjudication of the stamp duty in respect of the Memorandum of Understanding dated 09.01.1993. The said Memorandum of Understanding was produced by the Petitioner in evidence in a suit filed in the Bombay City Civil Court. The said document came to be impounded by the City Civil Court and was directed to be transmitted to the Collector of Stamps for adjudication of the stamp duty. Pursuant to the said reference made to the Collector of Stamps, the office of the Collector of Stamps vide letters dated 04.02.2016 and 12.05.2016 called upon the Petitioner to furnish certain documents which are necessary to

carry out the said adjudication. In the beginning, the Petitioner had shown his reluctance/inability to produce the documents which were sought vide the said letters. However during the course of the hearing of the above Petition, the Respondents were directed to pinpoint the documents which they required, to carry out the said adjudication. The Respondent i.e. the Collector of Stamps vide his letter dated 09.09.2016 has accordingly informed the Petitioner as regards the said documents.

2 In response of the said letter dated 09.09.2016, the Learned Counsel for the Petitioner has now furnished the documents which were requisitioned by the Collector of Stamps to the Learned AGP Mr. M. A. Sayed in the form of a compilation. The Learned AGP Mr. M. A. Sayed fairly accepts the said position. The Learned Counsel for the Petitioner also tenders an affidavit placing the aforesaid fact on record as also a compilation of the documents which have been furnished to the Learned AGP. The Learned AGP Mr. M. A. Sayed in view of the said compliance done by the Petitioner states that the said documents would now be taken into consideration whilst adjudicating upon the stamp duty payable in respect of the said Memorandum of Understanding dated 09.01.1993. Since the suit is pending in the City Civil Court and since the admissibility of the said document hinges upon the said adjudication and payment of stamp duty, thereafter the Collector of Stamp is directed to expeditiously

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adjudicate the stamp duty payable in respect of the said Memorandum of Understanding dated 09.01.1993 and carry out the said exercise latest by 30.11.2016.

3 Needless to state that the adjudicating authority would take the relevant material into consideration and would carry out the adjudication in accordance with law. With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]