

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

(1) WP NO.4298 of 2017

3 WRIT PETITION NO. 4298 OF 2017

SHOBHA ASHOK KATORE
VERSUS
SHOBHA PRABHAKAR TALE

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Advocate for Petitioner :Mr.Chapalgaonkar Shailesh S.

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CORAM : P.R. BORA, J.
Dated: April 06, 2017

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PER COURT :-

1. The order dated 15th of December, 2016, passed by the third Joint Civil Judge, Junior Division, Rahata, is challenged in the present petition.

2. An objection was raised by the present petitioner for exhibiting the document of sale produced by the plaintiff on the ground that it was not properly stamped. The document so produced was an agreement of sale and was notarized. It was the contention of the present petitioner i.e. original defendant that since on the basis of the said document of sale, possession was also handed over of the property under sale to the plaintiff by the vendor, the stamp duty ought to have been paid accordingly, which was not paid and, as such, the document was not liable to be exhibited, and could not have been accepted without impounding the same.

3. I have perused the impugned order. I have

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also perused the entire evidence of the plaintiff. On perusal of the impugned order, and the examination in chief of the plaintiff, it is clearly revealed that the document which was produced on record i.e. document of sale was not carrying any averment that the possession of the property was handed over by the vendor to the vendee. In the circumstances, it does not appear to me that the trial Court has committed any error in rejecting the objection raised by the petitioner i.e. the original defendant.

4. I do not see any merit in the petition so filed. The petition stands rejected, however, without any order as to the costs.

5. It would be open for the petitioner to raise the objections, if any, as regards to the admissibility of the said document on other counts.

(P.R. BORA, J.)

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