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

WRIT PETITION NO.9669 OF 2014

Shri Subhash Raosaheb Thorat,
Age: 62 years, Occ: Agri.,
R/o. At Kokamthan, Tq. Kopargaon,
Dist. Ahmednagar. ..PETITIONER

VERSUS

1. Shri. Nilkanth Trimbak Shinde,
Age: 57 years, Occ: Agri.,
2. Smt. Manjulabai Trimbak Shinde,
Age: 89 years, Occ: Agri.,

Both R/o At Kokamthan,
Tal. Kopargaon,
Dist. Ahmednagar. ..RESPONDENTS

Mr Mukul S. Kulkarni, Advocate for petitioner;
Mrs M.D. Thube-Mhase, Advocate for respondents

CORAM : NITIN W. SAMBRE, J.

DATE : 11th OCTOBER, 2017

ORAL ORDER :

Having heard respective Counsel for some time, Mr. Kulkarni, learned Counsel for the petitioner concedes that direction issued to the petitioner-defendant in clause-2 of the order dated 2nd September, 2014 is already complied with. In response to Court's query, he submits that the

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defendant has complied with the direction issued in clause-2 of the above referred order by depositing deficit stamp duty with penalty under protest.

2. So far as the challenge to observations made in paragraph-1 as regards prayer of the defendant for exhibiting agreement of sale dated 6th November, 2007 is concerned, keeping the petitioner's right intact, in view of proviso to Section 49 of the Indian Registration Act and law laid down by the Apex Court in the matter of **Bipin Shantilal Panchal vs State of Gujrath & anr**, reported in (2001) 3 SCC 1, it will be appropriate, in my opinion, to dispose of the petition, by granting liberty to the petitioner to canvass the issue of admissibility of the document i.e. agreement of sale dated 6th November, 2007 at the time of final hearing of the suit.

3. With above observations, the petition stands disposed of.

(NITIN W. SAMBRE, J.)