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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1484 OF 2006

Anil Champalal Shah & Ors.

...Petitioners

Vs.

The Joint District Registrar

Class-I & Collector of Stamps Nashik & Ors. ...Respondents

Mr. R.D. Soni with Mr. R.M. Haridas i/b. Ram & Co.,
Advocates for the Petitioners

Mr. P. P. Kakade, AGP for the Respondents

**CORAM : ANOOP V. MOHTA &
M.S. KARNIK, JJ**

DATED : 30TH MAY, 2017

ORAL JUDGMENT (PER ANOOP V. MOHTA, J):

1. Matter is called from the final hearing board as specially fixed for final hearing.
2. On hearing the learned Counsel appearing for the parties and considering the scope and purpose of the provisions of the Maharashtra Stamp Act and the Rules made thereunder and in the facts and circumstances of the case and in view of the fact that the statutory appeal provision is

available through Section 53(1)(a) under the Maharashtra Stamp Act (Bom. Act LX of 1958) whereby any person aggrieved by an order of the Collector under Chapter III, Chapter IV, Chapter V and under clause (a) of the second proviso to section 27 may, file appeal within sixty days from the date of receipt of such order, we are inclined to dispose of the present Writ Petition by directing the Petitioner to file the statutory Appeal as available within a period of 4 weeks from today.

3. The Appellate authority in view of the provisions and based upon the earlier orders passed by this Court to consider the merits of matter in accordance with law as early as possible to avoid further delay.
4. The question as to filing an appeal within sixty days as per the requirement need to be considered in the background that the Petitioner has challenged the impugned order and the communication notice dated 22nd February 2005 and notice dated 31st December, 2005 issued by the Joint Sub-Registrar

and subsequent order dated 18th April, 2007 and filed the Petition on 1st March, 2006. This Court after hearing the parties on 16th March, 2006 ordered to maintain the status-quo which has been continued from time to time as per the statement. On 25th April, 2006 this Court admitted the Writ Petition. We are inclined to consider the submission of the learned Counsel appearing for the Petitioner that the appellate authority to hear the matter on merits without restricting the case on the ground of delay and/or laches. Therefore, we are inclined to observe that the appellate authority under the Act to decide the appeal, if filed within 30 days, by the Petitioner, in accordance with law on its own merits.

5. The fact that this Court on 16th March, 2006 itself ordered to maintain status-quo which has been continued and there is no specific order of vacating the same, we are inclined to continue the said order for 10 weeks within which time the authority to dispose of the appeal in accordance with law.

6. It is made clear that if adverse order is passed against the Petitioner it should not be acted upon for two weeks from the date of communication. All the issues are kept open.
7. The Writ Petition is disposed of accordingly with no order as to costs.

(M.S. KARNIK, J.)

(ANOOP V. MOHTA, J.)