

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

907 WRIT PETITION NO. 9590 OF 2018

Tehare Builders and Developers Through
Gajanan Bhaskarrao Tehare ... Petitioner

Versus

Bhausahab Bhagaji Phule ... Respondent

...

Mr. D.K. Kulkarni and Mr. D.L. Pathade, Advocate for Petitioner
Mr. Parag P. Shahane, Advocate for Respondent

...

Coram : N.M. Jamdar, J.

Date : 28 November 2018

Oral Order:

1 Heard learned Counsel for the petitioner.

2 The learned Counsel for the petitioner states that the suit of the year 2012 has not yet reached conclusion. It was suggested to the learned Counsel for the parties that the writ petition can be disposed of by issuing certain directions to the learned Judge in respect of the stamp duty to be paid by the impugned order, which the learned Counsel have agreed.

3 The learned Civil Judge has directed the defendant who relies
upon the agreement to pay the stamp duty. The respondent/plaintiff
has denied the execution of this document.

4 In view of the consensus, the writ petition is disposed of by
observing that, if the petitioner pays the deficit stamp duty pursuant
to the impugned order and at the time of conclusion of the trial, if the
learned Judge comes to the conclusion that the agreement in question
was executed and was genuine, then the learned Civil Judge will pass
an appropriate order regarding the stamp duty that is paid by the
petitioner to be reimbursed, repaid by the respondent/plaintiff. With
these observations and keeping all contentions of the parties open, the
Writ Petition is disposed of.

N.M. Jamdar, J.

Sameer//