

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

WRIT PETITION NO. 9827 OF 2016

Shri Yuvraj Narayan Kataria ... Petitioner.

V/s.

Shri Purushottam Kissan Koli ... Respondent.

Ms. Deepti B. Mistry, Advocate for the Petitioner.

CORAM : K. K. TATED, J.

DATE : JANUARY 17, 2019.

PC :

1 Heard learned counsel for the Petitioner.

2 Learned Advocate for the Petitioner submits that by this writ petition, the petitioner is challenging the order of 14th September, 2015 passed by the 6th Joint Civil Judge, S.D., Thane, below Exh. 19 in special civil suit no. 791 of 2010, partly allowing the defendant's application to raise objection to the admissibility of leave and licence agreement dated 07.08.2004 in evidence for want of registration and deficit stamp duty. The learned counsel for the petitioner submits that the trial court partly allowed the application of the

petitioner (original defendant). The operative part of the said order reads thus :

“ORDER

- 1) Application (Exh.19) is allowed partly in following terms.
- 2) Objection raised on behalf of the defendant as to admissibility of agreement dated 07.08.2004 on count of deficit stamp duty is upheld.
- 3) Objection raised on behalf of the defendant as to admissibility of agreement dated 07.08.2004 on count of non-registration of document is overruled.
- 4) Leave and Licence Agreement dated 07.08.2004 be sent to Stamp Collector, Thane for impounding and to comply requisite conditions accordingly.
- 5) Plaintiff to take further steps accordingly.”

3 Learned counsel for the petitioner submits that during the pendency of the present writ petition, the Respondent has paid entire stamp duty.

4 In view of this subsequent development, nothing survives in this writ petition.

5 Writ petition stands rejected.

6 No order as to costs.

(K. K. TATED,J.)

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