

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1516 OF 2018

Mahendra Popatrao Jadhav and anr.	.. Petitioners
Vs.	
Pushparaj Buwasaheb Deshmukh	.. Respondent

Mr.Vaibhav R.Gaikwad, for the Petitioners.
Mr.D.D.Rananaware, for the Respondent.

CORAM : M.S.KARNIK, J.

DATE : 03rd OCTOBER, 2019

P.C. :

. Heard learned Counsel. The order challenged in this Petition is an order dated 28/12/2017 passed by the trial Court below Exhibit 67. The petitioners – defendants had sought impounding of the agreement to sell. The trial Court was of the opinion that the agreement to sell does not create any right in the property and it can be used only for collateral purpose.

2. Learned Counsel for the respondent on instructions of the respondent has placed on record a copy of the

communication by which the respondent has consented for sending the suit agreement to the Competent Authority for adjudication of stamp duty without prejudice to the rights and contentions of the parties. The communication is taken on record and marked 'X'.

3. In view of the said communication, agreement to sell be sent to the Competent Authority i.e. Collector, Satara for adjudication of stamp duty. Needless to mention that I have dealt with issue only in so far as application Exhibit 67 is concerned and the Suit will obviously be tried by the trial Court on its own merits so far as other issues are concerned.

4. In view of what is stated hereinabove, Petition is allowed. The impugned order is set aside. Application Exhibit 67 is allowed.

(M.S.KARNIK, J.)

Urmila P. Ingle
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