

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7323 OF 2013**

Rajabai Ashok Kate & Anr. .. Petitioners

Versus

Gulab Vitthal Mohite .. Respondent

Mr. R.S. Kate for petitioner.

Mr. Prashant Nair I/b Vishal M. Deshmukh for respondent.

CORAM : K.K. TATED, J.

DATE : 04 FEBRUARY 2019.

P.C:-

. Heard learned Counsel for parties.

2. After arguing for some time both the counsel submitted Minutes of Order dated 04.02.2019 duly signed by them. Same is taken on record and marked 'X' for identification, which reads thus :-

“1. Rule.

Rule made returnable forthwith by consent of parties.

2. Heard learned counsel for the parties. In view of detailed order dated 22.1.2019 passed by this Hon'ble Court, the impugned Judgment and order dated 2.4.2013 passed by the Ld. C.J.J.D., Indapur, below Exh. 66 in RCS No. 223/2003 is quashed & set aside and Application at Exh. 66 stands rejected.

3. The Respondent is at liberty to make an appropriate application for payment of stamp duty on agreement to sale dated 11.4.1991 to the Collector of stamps. If such an application is

made by the Respondent, the collector shall decide it on its own merits in accordance with law.

4. Petition is disposed of in above terms.”

3. Writ petition stands disposed of in terms of Minutes of Order. If application filed by petitioner to the collector for payment of deficient stamp duty, same to be decided on its own merits, as earlier as possible.

(K.K.TATED, J.)