

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2881/2017

Manikrao Vithoab Nehe & Anr.

... Petitioners

V/s.

Sadashiv @ Shekhar Keshavrao Khaladkar

... Respondent

Mr. Tushar N. Sonawane for the Petitioners

Mr. Amey Deshpande for Respondent No.1.

CORAM: K.K. TATED, J.

DATED : JANUARY 18, 2019

P.C. :

1 Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 09.09.2015 passed by the Civil Judge, Senior Division, Nasik below Exhibit- 112 in Special Civil Suit No. 208/2008 rejecting their Application to exhibit the agreement of sale dated 19.07.2003. The learned counsel for the Petitioner submits that the Trial Court has rejected their Application only on the ground that the document was not registered as required under section 17(b) of the Registration Act, 1908.

2 It is to be noted that the Plaintiff, on his own, in paragraph 2(e) of the Plaint, has specifically stated that the Defendant had handed over possession on 19.07.2003. If the possession is handed over pursuant to the agreement dated 19.07.2003, the document is required to be registered under section 17(b) of the Registration Act, 1908.

3 In view of these facts and the reasons given by the Trial Court, I do not find any substance to entertain the Writ Petition. Hence, the Writ Petition stands rejected.

(K. K. TATED, J.)