

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4012 OF 2018

Annasaheb B. Wani .. Petitioner
vs.
Shobhana Patil and ors. .. Respondents

Mr. Vikram Sathe i/b Ms Yogita D. Chitnis for the Petitioner.
Mr. R.P. Kadam, AGP for Respondent No.17.

CORAM : M. S. SONAK, J.
DATE : 03 MAY 2019.

P.C. :-

1] Heard Mr. Vikram Sathe, learned counsel for the
Petitioner.

2] The challenge in this petition is to the order dated 17th
August 2017 made by the learned Trial Judge refusing to
exhibit the disputed document of agreement for sale and
receipt of possession dated 27th June 1997.

3] Mr. Sathe, learned counsel for the petitioner, submits
that assuming the documents were not registered and
stamped though they were required to be the Trial Court was
required to impound the documents and thereafter send the
same for determination of appropriate stamp duty. He
submits that since this has not been done, the impugned

order warrants interference.

4] The application at Exhibit 175 taken out by the petitioner had merely called upon the learned Trial Judge to exhibit the disputed documents. The disputed documents are agreement for sale and receipt of possession. There is no dispute for such documents were compulsorily registrable. In the absence of registration of documents which are compulsorily registrable, the same, can obviously not be exhibited in the course of trial. The petitioner's application a Exhibit-175 that merely called upon the learned Trial Judge to exhibit these documents.

5] In the aforesaid circumstances, learned Trial Judge is quite justified in rejecting the application at Exhibit-175.

6] The issue of impounding of documents or sending the same for determination of appropriate stamp duties was not even whispered in the application at Exhibit-175. Therefore, there was no occasion for the learned Trial Court to even go into such issues. On the ground of alleged failure on the part

of learned Trial Judge, therefore, there is no question of interfering with the impugned order dated 17th August 2017.

7] For the aforesaid reasons, it cannot be said that there is any jurisdictional error in the view taken by learned Trial Judge warrants interference under Article 226 of the Constitution of India. This petition is therefore, liable to be dismissed and is hereby dismissed. The interim order granted earlier is hereby vacated

(M. S. SONAK, J.)