

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**BENCH AT AURANGABAD****14. WRIT PETITION No. 323 /2020**

Girish Madhukarrao Yadav & others

...Petitioners**VERSUS**

Vijayprakash S/o Digambar Yadav and others

...Respondents*Mr. Yogesh D. Kale, Advocate for petitioners***CORAM : ROHIT B. DEO, J.****DATE : 13th January, 2020****PER COURT:**

1. At the oral request of the learned Counsel for the petitioners, leave to correct the names of respondents No. 10-A to 10-C.

2. The petitioners, who are original plaintiffs, are questioning the order dated 13th November 2019, passed by the Civil Judge (Senior Division), Jalna, in Special Civil Suit No. 56 of 2014, whereby and where-under the partition deed dated 26th August 1968, which is produced on record by defendants No. 10-A to 10-C, is impounded and is sent to the Collector, Jalna, for ascertainment of the stamp duty and penalty.

3. I do not see any error in the order impugned warranting exercise of the Writ Jurisdiction.

4. The learned Counsel for the petitioners has canvassed several submissions, which touch the merits of the issue. Illustratively, the learned Counsel would submit that the document is not consistent with the pleadings. The learned Counsel further points out that a part of the document is not legible.

5. The contentions, which touch the merits of the issue or which pertains to relevance or admissibility or the evidenciary value of the partition deed, are left open for the Trial Court to decide at appropriate stage.

6. Subject to the aforesaid observations, the petition is dismissed.

**(ROHIT B. DEO)
JUDGE.**