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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**926 WRIT PETITION NO.10521 OF 2021**

Gopal Waljibhai Patel and Others

.. Petitioners

Versus

The State of Maharashtra and Others

.. Respondents

...

Mr Vishwajit R Jain (Kamboj), Advocate for the Petitioners

Mr A.R. Kale, AGP for the Respondent – State

...

With

**CIVIL APPLICATION NO.9038 OF 2021**

In

**WRIT PETITION NO.10521 OF 2021**

...

**CORAM : S. V. GANGAPURWALA AND  
R.N. LADDHA, JJ.**

**DATE : 30-09-2021**

**PER COURT :**

1. The petitioner had preferred an appeal under Section 32B of the Bombay Stamp Act, 1958. The Authority rejected it on the ground that the same is not presented within 60 days from the date of the order.

2. The learned Advocate for the petitioner submits that the Assistant District Registrar Class-I cum Collector of Stamp, Aurangabad passed order on 15-03-2019. The same was received to

the petitioner on 23-03-2019 and on 15-05-2019 the petitioner filed an appeal under Section 32B. The appeal according to the petitioner is within limitation.

3. The learned AGP for the respondents - State submits that as the appeal is not presented within 60 days, the order is rightly passed.

4. We have considered the submissions.

5. It appears that the order against which the appeal was filed is dated 15-03-2019. The petitioner filed appeal before Respondent No.2 on 15-05-2019. The postal acknowledgment shows that the petitioner was served with the copy of the order passed by Respondent No.3 on 23-03-2019. In view of that, the appeal filed by the petitioner was within limitation.

6. In light of the above, impugned order dated 01-07-2019 is quashed and set aside.

7. Respondent No.2 shall decide the appeal filed by the petitioner purportedly under Section 32B of the Maharashtra Stamp Act on its own merits, after hearing the parties expeditiously.

8. With the aforesaid observations, the Writ Petition is disposed of. No costs.

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9. In view of the disposal of the Writ Petition, the Civil Application also stands disposed of.

( R. N. LADDHA )  
JUDGE

( S. V. GANGAPURWALA )  
JUDGE

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