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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 4203 OF 2022

Sanjay Nayaku Mendhe ... Petitioner
Versus
Tanaji Appaso Ruikar and Ors. ... Respondents

Mr. Padmanabh D. Pise for the Petitioner.
None for the Respondents.

CORAM: ROHIT B. DEO, J.
DATE : 27th JUNE, 2022

P.C. :-

. In an election petition which is preferred in the year 2018 in respect of local election of Sangali, Miraj and Kupwad Corporation, the elected candidate preferred application exhibit 81 seeking impounding of document dated 31st March, 2017.

2. According to the elected candidate, although he is not a party to the document dated 31st March, 2017, if the said document is admitted in evidence, the defence of the elected candidate that he did not suppress any property in the affidavit filed along with the nomination form, shall be furthered.

3. The learned Trial Judge was pleased to reject the application vide order dated 15th January, 2022. The first reason given is that since the document is not a deed of partition as such and is merely a memorandum which records events which have occurred, it neither requires registration nor does it attract the stamp duty as is leviable on

partition deed. The other reason given is that the evidence of the elected candidate is yet to commence.

4. I see no reason to interfere in the order impugned. However, in view of the second reason which is recorded, it is made clear that it shall be open for the elected candidate to raise all possible contentions at the stage of his evidence.

5. The petition is disposed of.

[ROHIT B. DEO, J.]