

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1173 OF 2022

Nandkishor Jagannath Sonkusare (dead) thr. His LR's 1-A) Shrimati Hirabai Nandkishor
Sonkusare and ors.

..VS..

Laxman Dajibaji Kapkar and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.N. Morande, Advocate for the petitioners.

CORAM : ROHIT B. DEO, J.

DATED : 01/03/2022.

Heard.

2. The petitioners are the original defendants.
3. The challenge is to the order dated 16.12.2021 rendered by the Civil Judge, Junior Division, Armori in Regular Civil Suit 07 of 2017 instituted by the respondents, whereby an application preferred by the plaintiffs for impounding the contract/agreement dated 08.03.1996 is allowed.
4. The first submission of the learned Counsel Mr. Morande is that the plaintiffs are attempting to protract the litigation since the suit is fixed for evidence.
5. Impounding of a document which is not stamped in accordance with law, is the duty cast on the Court. That apart, the prejudice which may be caused due to delay, shall be caused to the plaintiffs and not the defendants, who are the petitioners herein.
6. I have perused the reasons recorded by the

learned Trial Judge, and I see no reason to disagree. A finding is recorded that the document is insufficiently stamped. The provisions of Section 33 of the Maharashtra Stamp Act, 1956, are rightly considered.

7. All that is done by the learned Trial Judge is to discharge his statutory duty.

8. The petition is *sans* merit, and is dismissed.

JUDGE

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