

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

WRIT PETITION NO.10025 OF 2017

**AJANTHA URBAN CO OPERATIVE BANK LTD THROUGH ITS
BRANCH MANAGER C K GADIYA**

VERSUS

SHIVAJI SARJERAO NAIKWADE AND OTHERS

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Mr. S. G. Dodya, Advocate for the Petitioner.

Mr. R. J. Nirmal, Advocate for Respondents.

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**CORAM : SHARMILA U. DESHMUKH, J.
DATED : 02nd FEBRUARY, 2023.**

PER COURT:-

1. The petitioner is aggrieved by the order dated 31.01.2017 passed by the Trial Court in RCS No.35/2012, whereby on an application by the petitioner raising an objection exhibiting the agreement of sale on the ground of insufficiency of stamp duty, the Trial Court has directed the payment of requisite stamp duty.

2. Learned counsel for the respondents submits that this objection as regards insufficiency of the stamp duty no longer survives, as subsequently the requisite stamp duty has been paid.

3. Learned counsel for the petitioner submits that there is an objection as regards the registration in as much as the documents was not registered and is therefore, inadmissible in evidence. He would fairly concede that, the objection was not raised before the Trial Court and the only objection was as regards the insufficiency of stamp duty.

4. Considering the above, liberty to the petitioner to raise an objection as regards non-registration of documents before the Trial Court, which the Trial Court will consider on its own merits and in accordance with the law.

5. Writ Petition is disposed of in the above terms.

(SHARMILA U. DESHMUKH)
JUDGE