

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

WRIT PETITION NO. 1407 OF 2023

Shersingh Hirasingh Fauji .. Petitioner

Versus

Kalusingh Mahendrasingh
Shahu and others .. Respondents

Shri Ashish P. Deshmukh, Advocate for the Petitioner.

**CORAM : SHARMILA U. DESHMUKH, J.
DATE : 10TH FEBRUARY, 2023.**

FINAL ORDER :

. Heard.

2. By this petition the challenge is to the order dated 04th July, 2022 passed by the Trial Court in Spl. C. S. No. 18 of 2013 impounding agreement to sale dated 18th March, 2011 as per the provisions of Section 33 of the Maharashtra Stamp Act.

3. In the event an agreement insufficiently stamped comes before an authority, authority is empowered to verify and consider the same under the provision of Section 33 of the Maharashtra Stamp Act independently and upon coming to the conclusion that the document is insufficiently stamped, authority to impound the document and send the same to the Stamp Collector for recovery of deficient stamp duty and penalty, if any.

In the present case, the agreement of sale mentions delivery of possession and as such under explanation to Article 25 of Schedule I to the Maharashtra Stamp Act document was required to be stamped as a conveyance

4. Considering that there is no stamp duty paid on the agreement to sale dated 18th March, 2011, there is no infirmity in the impugned order. The writ petition is devoid of merits. Same stands dismissed. No costs.

[SHARMILA U. DESHMUKH, J.]

bsb/Feb. 23