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

WRIT PETITION NO.4784 OF 2022

Chandrakant Vithoba Raut & Ors ... Petitioners

V/s.

Vijaysinha Madhavrao Patwardhan &
Ors. ... Respondents

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Mr. Ashutosh M. Kulkarni, for petitioners.

Mr. Ajit J. Kenjale a/w Mr. Sai Rajendra Kadam a/w.

Mr. Azharuddin Khan, , for respondent Nos.3 to 10.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 23, 2023

P.C.:

1. By the impugned order, the Trial Court rejected an application of plaintiff for sending photostat copy of agreement to sell dated 14 April 2001 to the Collector of Stamps, Sangali for the purpose of impounding the same.

2. It is well settled that photostat copy of document is not an instrument within the meaning “instrument” of Section 2(14) of the Maharashtra Stamp Act, 1958. The Trial Court, therefore, rightly rejected application to impound such photostat document and sending to the Collector for recovery of deficit stamp duty along with penalty.

3. However, the plaintiff can prove the document and prove

contents an execution by the mode permissible under the provisions of the Indian Evidence Act, 1872. However, admission of such photostat of document cannot be objected on the ground that such document is insufficient.

4. With this clarification, the writ petition is, therefore, dismissed. No costs.

5. Considering the facts of the case, hearing of the suit is expedited.

(AMIT BORKAR, J.)