

VRJ

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

WRIT PETITION NO.10370 OF 2023

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Dattatraya Baburao Giri (Since
Deceased Through his Legal Heirs) &
Ors.

... Petitioners

V/s.

Sunanda Satyavan Ban & Ors.

... Respondents

Mr. Rupesh Zade with Ms. Priyanka Gupta for the
petitioners.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 21, 2023

P.C.:

1. In a suit for specific performance the Civil Court prima facie held agreement was insufficiently stamped. Accordingly, it was referred to the Collector. The Collector held that the plaintiffs are liable to pay Rs.5,23,400/- towards the deficit in stamp duty and penalty.
2. The petitioners, thereafter, filed an application before the Civil Court for referring issue back to the Collector on the ground that the quantum of stamp duty fixed by the Collector is excess.
3. On perusal of the material on record, it is clear that remedy of the petitioner is to challenge the order of the Collector before appropriate forum challenging quantum. The Civil Court was

justified in rejecting the application.

4. The writ petition is, therefore, rejected.

(AMIT BORKAR, J.)