

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

WRIT PETITION NO.6676 OF 2022

Ashish S/o Babanrao Kuhite & others .Vs. Smt. Suman W/o Bhaurao Ingole & others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.B. Naidu, Advocate for the petitioners.

Shri P.P. Kotwal, Advocate for the respondents.

CORAM : ANIL S. KILOR, J.

DATED : 02/05/2023

1. Heard.
2. The order below Exh.79 dated 01.10.2022 passed by the 2nd Joint Civil Judge, Jr. Dn., Nagpur, rejecting the application moved by the petitioners for exhibiting document namely agreement to sale on the ground that it is not registered under Section 17 of the Registration Act, 1908.
3. Shri Naidu, learned counsel for the petitioners submits that the date of execution of the agreement is 28.03.2001 i.e. prior to the amendment and as such, on the date of execution of the agreement, there was no requirement of registration of said document. He submits that the learned trial Court has not taken into consideration the said fact. He further submits that the petitioners wants

to impound the said document by making an application to the learned trial Court for the said purpose.

4. Considering the statements made by the learned counsel for the petitioners that the petitioners wants to move an application before the trial Court to impound the document, I am of the opinion that if such application is moved and if it is allowed, the petitioners can move afresh with a prayer to exhibit the document. In the circumstances, I pass the following order:

5. The writ petition is **disposed of** with liberty to the petitioners to move an application for permission to inform the document of agreement to sale. If such permission is granted by the learned trial Court further, liberty is granted to the petitioners to move an application afresh for exhibiting the said document.

6. All the points are kept open.

7. Shri Kotwal, learned counsel for the respondents points out that the suit is pending since 2012 i.e. for more than 12 years. He, therefore, prays to expedite the suit.

8. Considering the period for which the suit is pending, I am of the opinion that, it would be in the interest of the parties if the suit is expedite.

9. Accordingly, the learned trial Court is directed to expedite the suit and decide the same on or before **31.12.2023**.

JUDGE