

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

WRIT PETITION NO. 7797 OF 2019

Juned Khan Jafar Khan and anr __ Vs. __ Mohd. Iqbal Shaikh Ahmed and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.J.Kadu, Advocate petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 10/01/2023

1] The only contention raised is that under the provisions of Section 49(2) proviso of the Registration Act, the document is not required to be registered.

2] I am afraid, I am not able to accept this contention for the reason that while considering the impounding of a document under Section 33 of the Maharashtra Stamps Act, the Court is merely required to look into the terms of the agreement and if the terms indicate delivery of possession prior to the registration of the deed of sale, the Court has no option than to direct impounding.

3] In the instant case, the agreement of sale is dated 13.2.2013 (pg. 16) and there is a specific clause in the said agreement indicating that the possession has been delivered under that agreement, in view of which the Court has rightly allowed the application below Exh.22 directing impounding of the agreement. The plea

that no possession was delivered under the agreement as forthcoming in the W.S. is something which is not permissible to be looked into under Section 33 of the Maharashtra Stamps Act. I therefore do not see any reason to interfere in the impugned order. The petition is dismissed. No costs.

JUDGE

Rvjalit