

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5338 OF 2019

Mohan Babulal Agarwal ...Petitioner
Versus
Mangal Narayan Thekedar & Ors. ...Respondents

WITH
WRIT PETITION NO.5350 OF 2019

Raman Babulal Agarwal & Anr. ...Petitioners
Versus
Mangal Narayan Thekedar & Ors. ...Respondents

Mr. Ronak Utagikar h/f. Mr. Tejas D. Deshmukh, for the
Petitioners.
Ms. Shruti Tulpule, for the Respondent Nos. 1 to 9.

CORAM: MADHAV J. JAMDAR, J.
DATED : 4th MARCH 2025

P. C.:

1. The matter is moved at the instance of the Petitioners.
2. A learned Single Judge while disposing of these Writ Petitions by the order dated 2nd July 2024 passed the following operative order:

“6. Accordingly, orders dated 31 January 2019 passed by the Trial Court are set aside. Defendants are permitted to tender in evidence Lease Agreement dated 6 December 1988 as well as Bandhan Patra dated 2 June 2005. The Trial Court shall proceed to impound the Lease Agreement dated 6 December 1988 and send the same for adjudication of deficient stamp duty, if any. So far as Bandhan Patra dated 2 June 2005 is concerned, the Trial Court shall decide as to whether there is any deficient payment of stamp duty thereon and thereafter decide whether the same needs to be impounded or not. In the event any deficient stamp duty is found payable on either or both the documents, the Defendants shall pay the deficient amount of stamp duty. The entire exercise of impounding the documents by the Court as well as adjudication of deficient amount of stamp duty by the concerned Collector of Stamps shall be completed within a period of four months from today.”

3. It is submitted by Mr. Utagikar, learned Counsel appearing for the Petitioners, that in view of above direction, the learned Trial Court has been directed to complete the exercise of impounding the document by the Court as well as adjudication of deficient amount of stamp duty by the concerned Collector of Stamps within a period of four months, however, the said order has been pointed out to the learned Trial Court only in December 2024 and therefore, seeks that said period be extended.

4. Accordingly, time granted by the order dated 2nd July 2024 is extended by four weeks from today.

[MADHAV J. JAMDAR, J.]

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