

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

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GOVINDRAO
PANCHAL

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INTERIM APPLICATION NO.6592 OF 2024

IN

FIRST APPEAL NO.73 OF 1999

WITH

INTERIM APPLICATION NO.347 OF 2021

WITH

INTERIM APPLICATION NO.1715 OF 2022

WITH

INTERIM APPLICATION NO.19930 OF 2022

Gajanan Tabaji Dongre

..Applicant/Appellant

Versus

Joseph Berry Parira

Since deceased through legal heirs

Clety Berry Parira & Ors.

..Respondents

Mr. Sandeep Phatak a/w Adhik Kadam h/f Sugandh Deshmukh, for the Applicant/Appellant.

Mr. Sujay Gawade a/w Mudita Pawar & Rekha Keni i/by Shree & Co., for the Respondent Nos.3a, 3c & 3d.

Mr. Mohit Jadhav a/w Megha Shigvan, for the Respondent No.4.

CORAM : KISHORE C. SANT, J.

DATE : 21st MARCH, 2024

PC.

1. Heard learned counsel for the parties.
2. This Application is preferred for return of documents at Exh.A page 12 to the Application and Exh.C for the purpose of registration. It is the case of the Applicant that these documents were not registered at the time of execution. Now there is a scheme

of the Government, wherein there is a waiver scheme on the amount of fine for registration after delay.

3. Learned advocate for the Respondents vehemently opposes the Application. It is submitted that the Applicant may now try to change the position by getting the documents registered. In any case now even if the documents registered that would not change evidentiary value of the documents as the same are already placed on record and are considered by the Trial Court and judgment is already passed.

4. On this, learned advocate for the Applicant specifically makes a statement that he will not try to get any benefit of registration of the documents and for all the purposes documents would be considered as on the date on which those were produced in the Trial Court.

5. Learned advocate for the Respondents submits that one of the documents is a lease agreement, the term of lease is already over as the lease agreement terminated by giving notice.

6. This Court finds that the Application is made to return of documents only for specific purpose of getting the documents registered by taking benefit of the waiver scheme, no prejudice would be caused to any of the parties. The Application therefore needs to be allowed. Hence, the following order :-

- i) The Application is allowed in terms of prayer clause (A).
 - ii) It is made clear that the Applicant will not get any benefit of the registration and no prejudice would be caused to any of the parties.
 - iii) For all the purpose, the documents would be treated as on the date on which those were produced in evidence before the Trial Court.
 - iv) Office shall take one notarized true copy on record of these documents which are to be returned.
 - v) Applicant shall thereafter return these documents within four months from today.
 - vi) All contentions of the parties are kept open.
7. The Application stands disposed of in above terms.

[KISHORE C. SANT, J.]

Corrected pursuant to speaking to minutes of order dt. 27th March, 2024.