

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.386 OF 2020

Avinash Shirsat and Ors.

.. Petitioners

Versus

Umesh Suryanarayan Gupta and Ors.

.. Respondents

.....

- Ms. Neeta Jain i./by Alochan Krishnananda Naik, Advocate for Petitioners.
- Mr. Rahul Induprakash Tiwari, Advocate for Respondents.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 29, 2024

P.C.:

1. Heard Ms. Jain, learned Advocate for Petitioners and Mr. Tiwari, learned Advocate for Respondents.

2. Parties have filed Minutes of Order dated 29.02.2024. There is a correction which is effected in clause 1(c) and also initialed by this Court by consent of the parties. The said Minutes of order are taken on record and marked “X” for identification. The Minutes of Order are signed by Advocate for Petitioners and Advocate for Respondent No.1. The said Minutes of Orders are running into 3 pages which are scanned and reproduced below for immediate reference:-

X" *M. Jadhav* 29/2/2024 *Tendered* *could* *29/2/2024*

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WRIT PETITION NO.386 OF 2020

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...PETITIONERS

VERSUS

Umesh Suryanarayan Gupta & ORs.

...RESPONDENTS

Ms. Neeta Jain i/b Alcohon Naik for the Petitioners

Mr. Rahul Tiwari for the Respondent No.1

CORAM : MILIND N. JADHAV, J.

DATED : 29th FEBRUARY, 2024

MINUTES OF ORDER

1. By consent of parties the following orders are passed :

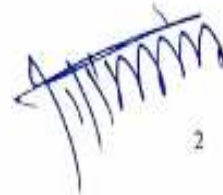
- (a) The Writ petition is allowed in terms of prayer clause (a) i.e. the impugned order dated 18th November 2019 passed below Exhibit - 11 in Suit No.2900 of 2015 is set aside to the extent that the Agreement dated 3rd June 2012 is marked in evidence shall remain marked and not be considered in evidence until the said document is received back after stamping.
- (b) The original Agreement dated 3rd June 2012, tendered before the Civil Court at Borivali Division, Dindoshi, Goregaon in Suit No.2900 of 2015 is directed to be impounded and forwarded to the Registrar of the Civil Court at Borivali Division, Dindoshi, Goregaon.
- (c) The Registrar of the Civil Court at Borivali Division, Dindoshi, Goregaon shall forward the original Agreement dated 3rd June 2012 to the Collector of Stamps at Bandra for its adjudication. The Registrar is directed to forward the document to the Adjudicating authority within one week ^{from today.} of its submission by Respondent No.1.

[Signature]

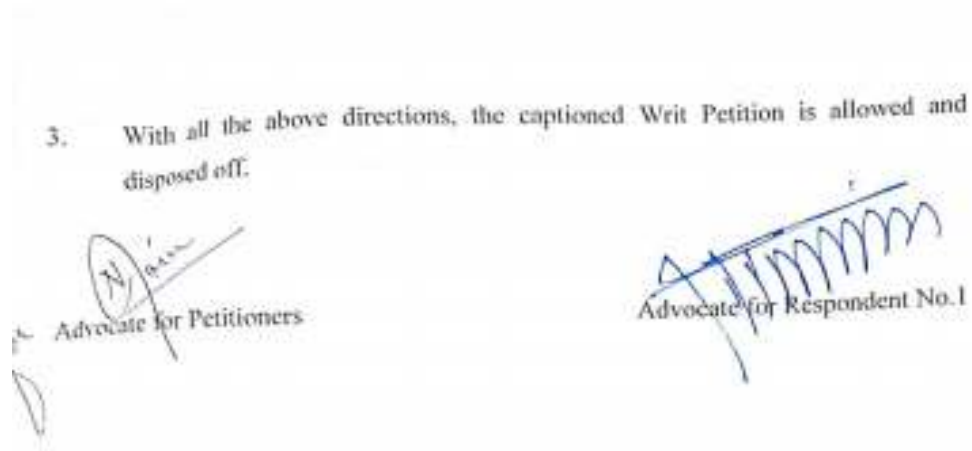
M. Jadhav
29/2/2024

[Signature]

- (d) The Adjudication Authority is directed to adjudicate the stamp duty and penalty payable on the Agreement dated 3rd June 2012 placed before them. If any amnesty scheme is available, Respondent No.1 shall be entitle to avail of the same in accordance with law. The Adjudication shall be done by the Adjudicating Authority within a period of three weeks from the receipt of the document from the Registrar.
- (e) The learned Advocate for the Respondent No.1 undertakes to furnish the address and contact number of the Respondent No.1 to the Registrar of the Civil Court at Borivali Division, Dindoshi, Goregaon, which shall be in turn forwarded to the Collector of Stamps, who shall establish contact with the Respondent No.1 and upon being called to pay stamp duty after its adjudication, stamp duty shall be furnished to the Collector alongwith penalty that might be imposed.
- (f) The Agreement dated 3rd June 2012 on being certified as duly adjudicated shall be returned to the Registrar of the Civil Court at Borivali Division, Dindoshi, Goregaon, who shall place it before the Civil Court at Borivali Division, Dindoshi, Goregaon upon compliance of Sub-section (1) of Section 41 of the Maharashtra Stamp Act.
- (g) After receiving the Agreement dated 3rd June 2012, the Civil Court at Borivali Division, Dindoshi, Goregaon shall reinforce the making of the document and treat the same as Exhibit only thereafter.
- (h) Till such time as the directions mentioned hereinabove are not fulfilled the Suit No.2900 of 2015 is stayed.
2. Needless to say that all the contention of the Petitioners are kept open with respect to the objection, if any, to be raised by them in regard to admissibility of the Agreement dated 3rd June 2012.



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3. Rights and obligations stated in Minutes of Order are taken as undertakings given to the Court and both the parties shall abide by the same. All parties, including Registrar of the City Civil Court at Borivali Division, Dindoshi, Goregaon are directed to immediately act on an authenticated copy of this order without any further reference. The learned Trial Court is directed to consider the Minutes of Order and this order in order to ensure that appropriate directions are given to the Registrar if they are required in the present case if the parties approach the Trial Court for any directions.

4. Liberty to apply.

5. Order in terms of Minutes of Order.

6. In view of the above, Writ Petition is disposed.