

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3818 OF 2024

Popat Rajaram Bhosale

.. Petitioner

Versus

Ramchandra Soma Shelke

.. Respondent

-
- Mr. Priyank Shukla for Petitioner
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 22, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 22.04.2024. Heard Mr. Shukla, learned Advocate for Petitioner.
3. Present Writ Petition takes exception to the order dated 02.08.2023 passed by learned Trial Court in the Application below Exh. 54. By the said order, the Application filed by Petitioner (Org. Defendant) not to exhibit agreement dated 08.08.2023 which is the subject matter of the cause of action in a Suit filed for specific performance stands rejected.
4. Mr. Shukla would content that despite the learned Trial Court having impounded the subject document and having sent it to the Collector for adjudication of stamp duty charges and the Plaintiff pursuant to adjudication having not paid the same, the said document

has been exhibited in evidence. He would submit that the said document cannot be exhibited in view of the same having been hit by the provisions of Section 34 of the Maharashtra Stamps Act 1958 as also by the provisions of Section 17 of the Registration Act, 1908.

5. An arguable case is made out by Mr. Shukla.

6. Learned Trial Court is directed by this Court to defer the hearing of the suit proceedings before itself until the present Petition is determined. Impugned order of exhibiting the above document is stayed.

7. Issue notice to the Respondent made returnable on 12.06.2024. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondent and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After receiving the notice, Respondent to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioner. Rejoinder if any shall be filed on or before the next date.

8. Respondent is directed to remain present either himself or through his Advocate on the next adjourned date. It is made clear that if Respondent remains absent despite service on the next

adjourned date, this Writ Petition shall be heard and disposed of at the stage of admission in the absence of the Respondent.

9. Stand over to 12th June, 2024.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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