

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11550 OF 2024

Chandrakanta Narendra Khandelwal

.. Petitioner

Versus

Vipul Gopaldas Ashar & Anr.

.. Respondents

.....

- Mr. S.A. Abhyankar a/w Ms. Anjali Helekar for Petitioner
- Mr. Aseem Naphade a/w Mr. Nikhil Wable & Mr. Mihir K. i/by Jayakar & Partners for Respondents

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 19, 2024

P. C.:

1. Heard Mr. Abhyankar, learned Advocate for Petitioner and Mr. Naphade, learned Advocate for Respondents.

2. Pursuant to the directions contained in the previous order dated 08.08.2024 and more specifically in paragraph Nos. 4 and 5 therein, Mr. Naphade would submit that there is no dereliction on the part of the Plaintiffs (Respondents herein) as observed by this Court since pursuant to impounding of the document, learned Adjudication Officer / Competent Authority has passed the order for payment of stamp duty on 19.09.2022 on the said impounded document. He would submit that since the Plaintiffs are aggrieved with the directions given to the Plaintiffs to pay the stamp duty as per the orders passed by the Competent Authority, they have preferred a Statutory Appeal being

Appeal No. 253/2022 before the Chief Controlling Revenue Authority (CCRA), Maharashtra State at Pune which is pending as on date. He would submit that this is the sole reason as to why the order could not be complied with. In that view of the matter, the delay stands explained by the Plaintiffs. In such a circumstance appropriate directions can be given to the Appellate Authority i.e. CCRA so that once the Appeal is decided, Plaintiffs can abide by the said decision and take further steps in accordance with the order passed by the Trial Court.

3. In view of the above, the Chief Controlling Revenue Authority is directed by this Court to decide the Statutory Appeal being Appeal No. 253/2022 as expeditiously as possible and in any event within a period of four weeks from today after hearing the parties.

4. Authorities shall act on a server copy of this order being presented before it by the parties.

5. Advocate for Plaintiffs shall inform the Trial Court and the Advocate for Defendant about the outcome of the Appeal so that further steps can be adopted by either of the parties before the Trial Court.

6. Liberty to Defendants to move the learned Trial Court for any further orders if so required for expeditious disposal of the Suit proceedings.

7. With the above directions, Writ Petition stands disposed of without commenting on the impugned order.

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[MILIND N. JADHAV, J.]

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