

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12019 OF 2024
WITH
INTERIM APPLICATION NO. 12187 OF 2024
IN
WRIT PETITION NO. 12019 OF 2024

M/s. Arun Bhoomi Corporation

.. Petitioner

Versus

Jayesh Kanji Maru

.. Respondent

-
- Mr. Piyush Raheja a/w. Ms. Lizum Wangdi and Ms. Meenakshi Pahuja, Advocates i/by ANB Legal for the Petitioner / Applicant.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 02, 2024.

P.C.:

1. Heard Mr. Raheja, learned Advocate for Petitioner / Applicant. Mentioned at the time of rising due to urgency. Matter is on board at Sr. No.33.

2. The impugned order dated 04.04.2024 passed on Application below Exhibit “37” in Special Civil Suit No.637 of 2015 is directly in the teeth of the previous order dated 05.07.2022 passed by this Court which is appended at page No.53 of the Writ Petition. This Court had specifically directed the learned Trial Court to decide the admissibility of the document on the basis of payment of stamp duty and its registration and only thereafter consider exhibiting the said

document.

3. It is Mr. Raheja's contention that on 06.10.2022, the learned Trial Court has marked the said document as Exhibit without considering the objections of registration and payment of deficit stamp duty which was specifically directed by this Court in its order dated 05.07.2022. He would submit that immediately after the said document was exhibited, Defendants filed Application below below Exhibit "37" to draw the attention of the Trial Court to the order dated 07.07.2022 which was not complied with. However, learned Trial Court has rejected the Application without giving its imprimatur as to whether the order dated 05.07.2022 has been complied with or otherwise by the impugned order dated 04.04.2024. I have perused the aforesaid twin orders dated 05.07.2022 and 04.04.2024 which are appended to the present Writ Petition, which make out an arguable case for issuance of notice and immediate stay of the impugned order dated 04.04.2024.

4. Hence, issue notice to Respondent. Humdast permitted.

5. In addition to Court notice, Petitioner is permitted to serve a copy of the Writ Petition and this order on the Respondent and inform him 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.

6. After receiving notice, Respondent is directed to take cognizance of this order and file Affidavit-in-Reply on or before the next date, if so desired.
7. It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.
8. Respondent is directed to remain present in Court on the next adjourned date either by themselves or through Advocate.
9. In the meanwhile, the proceedings before the learned Trial Court shall stand stayed until the present Writ Petition is determined by this Court.
10. Stand over to 18th September 2024.

[MILIND N. JADHAV, J.]

Ajay

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