



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 4597 of 2023

[Likhan S/o Chhanilal Pardhi ..vs.. Amrutabai Wd/o Pritamlal Pardhi]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. A. Gode, Advocate for the petitioner
Mr. V. S. Mishra, Advocate for the respondent

CORAM : ANIL L. PANSARE J.

DATED : 07-10-2024

The challenge is to order dated 2-2-2023 passed below Exhibit 17 in R.C.S. No. 212/2020 by 6th Joint Civil Judge Junior Division, Gondia rejecting the application filed by the petitioner – original plaintiff to impound the document, namely, unregistered sale deed dated 28-5-2014 allegedly executed by the respondent – original defendant in favour of the petitioner – original plaintiff.

2. Having heard both sides and having gone through the impugned order, it appears that the only ground on which the application is rejected is that the document does not bear details of property like gat no., house no. etc. Thus, the trial Court is of the view that the property is not sufficiently identifiable.

3. Apart from the fact that this finding is contrary to the document sought to be impounded, the trial Court has ignored the mandate of Section 33 of the Maharashtra Stamp Act which provides for impounding of such document, irrespective whether the instrument is not valid in law.

4. Thus the effect of non-registration of document can be gone into by the trial Court at appropriate stage. The order impugned, therefore, does not stand scrutiny of law. The same is liable to be quashed and set aside. Writ petition is accordingly allowed. Order dated 2-2-2023 passed below Exhibit No. 17 in R.C.S. No. 212/2020 by 6th Joint Civil Judge Junior Division, Gondia is quashed and set aside. The application, Exhibit 17 is allowed. The trial Court shall proceed to pass consequential order in this regard.

5. Writ petition is disposed of in aforesaid terms with no order as to costs.

(Anil L. Pansare, J.)