



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4066 OF 2024

Sakhubai Deelip Patil And Another

VERSUS

Krushnadas Raghunath Patil And Another

...

Mr. S. V. Natu, Advocate for the Petitioners

Mr. S. P. Shah, Advocate for Respondents

WITH

WRIT PETITION NO. 1597 OF 2024

Krushnadas Raghunath Patil And Another

VERSUS

Sakhubai Dilip Patil And Another

...

Mr. S. P. Shah, Advocate for the Petitioners

Mr. S. V. Natu, Advocate for Respondents

CORAM : R. M. JOSHI, J

DATE : APRIL 02, 2025

COMMON ORDER :

1. During the course of hearing, this Court finds that though the Original Defendant has raised specific plea with regard to insufficiently stamped document in question, Trial Court has not dealt with this issue. Learned Counsel for Defendant made submissions relying upon the judgments of Hon'ble Supreme Court with regard to consequences of insufficiently stamped document.

2. The question as to whether the document is

sufficiently stamped or not is question of fact. Since this has not been dealt with and decided by the Trial Court, in exercise of writ jurisdiction this Court does not wish to enter upon the said controversy. Only for this reason and to enable the Trial Court to record findings thereon, parties are relegated back to Trial Court.

3. In view of above, Application Exh. 61 is relegated back to the Trial Court only for limited purpose for recording the finding to deal with the objection raised by Defendant about insufficiently stamped document. Once the said finding of fact is recorded, it would be open for both sides to challenge the said finding as well as order impugned in this Petition.

4. Trial Court to decide the said issue within a period of a month.

5. Petitions stand disposed of in above terms.

(R. M. JOSHI, J.)