

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3203 OF 2025

Vilas Mahadev Salunkhe

...Petitioner

vs.

Indubai Rajaram Jagdale and Ors.

...Respondents

Mr. Kiran Mohite, for the Petitioner

CORAM : N. J. JAMADAR, J.

DATE : MARCH 06, 2025

P.C:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 14th February, 2023 passed by the learned Civil Judge, Kadegaon rejecting an application preferred for impounding of the documents.
3. The petitioner instituted the suit for specific performance of a contract contained in an agreement for sale dated 4th March, 2010. In the said suit, the plaintiff filed an application to impound the said document asserting, inter alia, that the instrument was executed on a stamp paper of Rs. 100/- denomination only and it is also not registered. It is, therefore, necessary to impound the document.
4. By the impugned order, the learned Civil Judge was persuaded to reject the application observing that an agreement for sale is not required to be registered under section 17 of the Indian Registration Act, 1908.

VISHAL
SUBHASH
PAREKAR

Digitally signed by
VISHAL SUBHASH
PAREKAR
Date: 2025.03.07
17:12:32 +0530

5. The learned counsel for the petitioner submitted that the application for impounding was filed as the document has been scribed on the stamp paper of Rs. 100/- denomination, only. The instrument, being insufficiently stamped, it was required to be impounded under section 33 of the Maharashtra Stamp Act, 1958.

6. I have perused a copy of the agreement for sale.

7. There is a clear stipulation in the said agreement for sale that the possession of the property was to be delivered at the time of execution of the Sale Deed. The instrument does not amount to conveyance so as to attract the provisions contained in Article 25 Explanation (1) of the Maharashtra Court Fees Act, 1958. Thus, there is no infirmity in the impugned order.

8. The petition stands dismissed.

(N. J. JAMADAR, J.)