

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14403 OF 2024.

IN

INTERIM APPLICATION NO. 2456 OF 2023.

IN

WRIT PETITION NO. 688 OF 2015.

K.P. Baney Decd. Thr. Lhrs

...Applicant/
Petitioners.

Versus

The Dy Inspector Of General Of Registration And ...Respondents.
The Dy Chief Controller Of Stamps And Ors

Adv. Nikita K. Charamshi i/by C. K. Legal for the Applicant/Petitioner.

Ms. S. D. Chipade AGP for the State.

Adv. Trisha Choudhari i/by M. V. Thorat for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : February 4, 2025.

P. C. :

1. Interim Application has been preferred seeking recall of the order dated 20th September, 2024 on the ground that the reference to the order passed by the authorities on 11th August, 2023 in the order dated 20th September, 2024 is infact only communication and there is no separate order passed rejecting registration.

2. Learned AGP appearing for the Respondent-State would submit that by the said communication, the Applicants were called upon to execute confirmation deed as the deed of exchange was

lodged for registration beyond the period of limitation and the said order was passed based on the circulars issued from time to time.

3. According to the learned Counsel appearing for the Applicant there is no necessity of filing separate Writ Petition and the communication can be challenged by way of the Interim Application which has been done in the present case.

4. Considering the stand adopted by learned Counsel appearing for the Applicants that the communication of 11th August, 2023 is only a communication and it is not required to be challenged by way of independent Writ Petition, it is for the Applicants to decide whether they wish to continue with prosecuting the Interim Application.

5. In light of the above, the order dated 20th September, 2024 allowing the Applicant to withdraw the Interim Application with liberty to file an independent Writ Petition is allowed.

[Sharmila U. Deshmukh, J.]