

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4596 OF 2025

Pritam Ramesh Kadam & Ors ..Petitioners

Versus

Laxmibai Ramchandra Kadam & Ors ...Respondents

Mr. Kishor Patil, i/b Pratik Rahade, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 8th APRIL 2025

P.C.:

- 1.** Heard the learned Counsel for the Petitioner.
- 2.** The challenge in this Petition is to an order dated 11th March 2025 passed by the learned Civil Judge, Senior Division, Vita, whereby the Agreement for Sale dated 29th April 2015 which was initially impounded for insufficient stamp duty, has been marked in evidence as Exhibit “169”, upon payment of the deficit stamp duty and penalty thereon.
- 3.** An objection was raised to the admissibility of the said document as the said document has not been purchased by one of the parties to the said document.

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4. Reliance was placed on a judgment of the learned Single Judge of this Court in the case of **KBC Pictures Vs A.R. Murgadoss & Ors**¹ wherein this Court referred to the amendment which has been introduced in Section 34 of the Maharashtra Stamp Act which *inter alia* provides that an instrument which is written on an impressed stamp, is required to be written on a stamp paper which is purchased in the name of one of the parties to the instrument.

5. It is the case of the Petitioner that the instrument in question has been purchased in the name of one Prakash, who is not a party to the said instrument.

6. Having regard to the nature of the objection, it would be appropriate to dispose of the Petition keeping open the objections of the Petitioner to the admissibility of the said instrument (Exhibit “169”) in evidence, on account of the stamp paper having been purchased in the name of a person who is not a party to the said instrument.

7. The learned Civil Judge shall decide the said objection at the time of the final adjudication of the Suit, without being influenced by any of the observations made in the impugned order.

8. Petition disposed.

[N. J. JAMADAR, J.]

¹ 2009 (2) All MR 108.