



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

Writ Petition No. 703 of 2025

Baban s/o Shaligram Ingale and anr. ..vs.. Sulochana wd/o Motiram Dangate and ors.]

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

Court's or Judge's orders

Mr. S. V. Sohoni, Advocate for the petitioners

CORAM : ANIL L. PANSARE J.

DATED : 24-02-2025

Heard.

2. The challenge is to order dated 28-11-2024 passed by Civil Judge Junior Division, Balapur in Regular Civil Suit No. 65/2012 thereby upholding the objection raised by the respondent nos. 1 to 6 – original plaintiffs to exhibit the document titled as partition deed as it was neither properly stamped nor registered.

3. Learned counsel for the petitioners – original defendants has invited my attention to the document to argue that though the document is titled as partition deed, it is in fact a Will of petitioners' father.

4. I have gone through the document to find that it is correctly titled as partition deed. The document refers to three agricultural lands, of which two are allotted to the son – Baban Ingale, petitioner no. 1 and the other property is allotted to daughter Laxmi Ambekar. The document then refers to yet another agricultural land. The said land is kept by the father for his maintenance and after his death, the said land is allotted equally to his son Shri Baban and wife Leelabai.

5. The document, if read in entirety, since it creates right, title and interest in the property in the lifetime of the petitioner's father, it can be said to be a non testamentary

instrument. It will be, therefore, compulsorily registrable document under Section 17 of the Registration Act, 1908. The effect of non registration is provided under Section 49, which reads that no document required by Section 17 to be registered shall be received as evidence of any transaction affecting such property, unless it has been registered. That being so, I do not find any error in the impugned order in upholding the objection raised by the respondents for exhibiting the document on the ground that the document is inadmissible in evidence. The petition is accordingly dismissed *in limini*.

6. Copy of order be served on the trial Court.

(Anil L. Pansare, J.)

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