

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

APPEAL AGAINST ORDER NO.13 OF 2024

[Bhojraj Sugnamal Dhamecha and Ors. ..vs.. Mohd. Asif A. Gani Sheikh and Ors.]

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

Court's or Judge's order

Mr M. R. Joharapurkar, Advocate for Appellants.
Mr K. S. Narwade, Advocate for Respondent Nos.1 to 4.
Mr L. Hussain, Advocate for Respondent No.5.

CORAM : ANIL L. PANSARE, J.

DATE : 8th JANUARY, 2025.

1. Heard for some time. The petitioners intend to rely on agreement to sell in support of their case that they were put in possession under the said agreement. The agreement dated 12.12.2019, however, is neither registered nor properly stamp. I am informed that the original agreement to sell is in the record of Trial Court. If that be so, the Trial Court shall proceed to impound the document under Section 33 of the Maharashtra Stamp Act. In fact, the Trial Court has noted that the document in a question is unregistered document and therefore, cannot be looked into. Once the Court has noted the aforesaid fact, it was duty bound to impound the document. The Trial Court shall, therefore, take corrective measures.

2. The counsel for petitioner submits that the purpose of filing petition will be served if the petitioner is granted liberty to approach Trial Court again to protect their alleged possession once the formalities in terms of Section 33 of the Maharashtra Stamp Act are complied with. The request being reasonable is accepted. The appeal is accordingly disposed of as withdrawn with liberty as prayed for.

JUDGE