



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

REVIEW APPLICATION NO.209 OF 2025  
IN  
WRIT PETITION NO.6408 OF 2018 (D)

Smt. Madhu W/o Maheshkumar Mandhana,  
Aged 62 years, Occupation – Housewife, R/o  
Janki Kunj, Central Avenue, Near Gandhibagh,  
Nagpur, Tahsil & District – Nagpur  
(Maharashtra State)

...Applicant

(Org. Petitioner/Defendant)

// VERSUS //

Shri Vijay S/o Satyanarayan Musaddi (Agrawal),  
Aged about 43 Years, Occupation – Business,  
R/o Plot N.601, Jai Rajaram Apartments,  
Lakadganj, Nagpur – 440008, Tahsil & District  
– Nagpur (Maharashtra State).

... Non-applicant

(Org. Respondent/Plaintiff)

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Mr H.D Dangre, Advocate for Applicant/Petitioner.  
None for the Non-applicant.

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CORAM : ANIL S. KILOR, J.

DATED : 10/03/2025

ORAL JUDGMENT

1. Heard.

2. **RULE.** Rule is made returnable forthwith. Heard finally by  
consent of the parties.

3. This is a review application seeking review of the judgment and order dated 27.02.2023, passed in Writ Petition No.6408 of 2018 to the extent that, though in the said writ petition the challenge was raised to the order below Exh.44 dated 27.06.2018 and the order below Exh.47 dated 08.08.2018, this Court while confirming the order below Exh.44 dated 27.06.2018, did not give any findings as regards the challenge raised to the order below Exh.47 dated 08.08.2018.

4. Having perused the impugned order, I find substance in the submission of Shri Dangre, learned counsel for the petitioner that there is no findings recorded as regards the correctness and illegality of order below Exh.47 dated 08.08.2018, rejecting the application filed under Section 33 of the Maharashtra Stamp Act, 1958 (hereinafter referred to as "Act of 1958"), for impounding of document i.e. agreement to sell dated 09.07.2010.

5. The application Exh.47 was moved on 11.07.2018, after the order below Exh.44 was passed and on exhibiting the document in question namely agreement to sell dated 09.07.2010 as Exh.21. The petitioner, in support of prayer for impounding the agreement to sell, tried to make out a case under Article 25 of Schedule I of the Act of 1958, and in view of the said provisions, it is directed to refer the said

document to the Collector of Stamps for determination of proper stamp duty, assessment of penalty for affixing insufficient stamp duty, and recovery thereof. The impugned order passed on the application Exh.47 shows that the learned trial Court considered the application as for raising objection to the admissibility of the said document not for impounding the document and rejected the application.

6. It is evident that, the prayer of the petitioner for impounding the document Exh.47, has not been considered in view of the Article 25 of Schedule I of the Act of 1958. In the circumstances, I am of the opinion that, application Exh.47 needs to be remanded back to the learned trial Court to decide the same afresh after taking into consideration the case as put up by the petitioner in his application Exh.47 for impounding of document Exh.21. Accordingly, I pass the following order :-

- i) The review application is **allowed** and thereby, the judgment and order dated 27.02.2023, is modified to the extent as under :-
- ii) The order below Exh.47 dated 08.08.2018, is hereby quashed and set aside and the application is remanded back to the learned trial Court for deciding the same afresh.

- iii) The suit is pending since 2013, the learned trial Court is directed to decide the application within **one month** from the next fixed date, after hearing both the parties.

Rule is made absolute in above terms.

(ANIL S. KILOR, J)

*C.L.Dhakate*