



ORDER PASSED BELOW EXH.73

1. This application is filed by defendant that plaintiff in his affidavit of examination of chief has referred the lease deed. However, same is not duly stamped and therefore, that can not be exhibited.

2. Plaintiff filed his say contending that application is not maintainable at this juncture. Hence, prayed for rejection of application.

3. Heard both sides and gone through the record. It is matter of record that said lease is in respect of agriculture land and same is not registered. Plaintiff has not given details as to how said document is insufficiently stamped and in such circumstances, said document can not be exhibited, merely because same is referred in evidence. As per Section 107 of the Transfer of Property Act, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent, can be made only by a registered instrument. All other leases of immovable property may be made either by a registered

instrument or, where there are more instruments by delivery of possession. Admittedly, in the case at hand said lease is not registered and same is for more than one year. Therefore, at this stage same can not be exhibited. In result, I pass following order.

ORDER

Application is allowed.

Sd/-

Jaysingpur.
Dt.: 06.03.2019.

(K.G.Sawant)
Civil Judge Senior Division,
Jaysingpur.

