

MHKO090003102021



ORDER BELOW EXH. 42 IN SPL. CIVIL SUIT NO. 30/2021

1. Perused the application and say. Heard Ld. Advocates for both the sides.
2. It is submitted by Ld. Adv. Shri. Sutarkar that when the agreement was executed, sufficient stamp was not affixed to it, therefore, before considering this document, it is necessary to impound it. It is submitted by the defendants that suit filed by the plaintiff is not maintainable and therefore, the impugned agreement cannot be sent for impounding.
3. The suit is for specific performance of contract. The document, which is sought to be sent for impounding, is the basic document, on which claim of specific performance is made. Evidently, it is insufficiently stamped. Therefore, it is required to be sent for impounding. Even it is duty of the court, not to admit insufficiently stamped instrument. Hence, the application is liable to be allowed. Accordingly, I pass the following order -

ORDER

Application Exh. 42 is allowed as follows -

1. The original document of an agreement of sale dtd. 05.04.2019 be sent to the Collector of Stamp, Kolhapur for the purpose of impounding.

2. The Collector of Stamp, Kolhapur, after completion of the process of impounding, shall return the stamp to this court.
3. The plaintiff shall make compliance, as per this order.

Date : 17.01.2023

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj