



Smt. Kalpana Sase Vs. Tanaji Patil etc.

CNR - MHKO130003722021

ORDER BELOW EXH. 27 IN R.C.S.No. 88/2021

1. This is an application filed by the plaintiff for impounding of notarized agreement dated 07/09/2018 filed by her on record at Exh.3/3.
2. It is the contention of plaintiff that, defendants have executed an notarized agreement on 07/09/2018 in her favour of plaintiff. The said agreement to sale is executed on stamp of Rs.500/-. It also consists possession is also delivered. According to plaintiff, the agreement is unregistered one. Hence, document is required to be sent for impounding, accordingly, argued to allow the application.
3. Contrary this application is opposed by the defendants contending that, application is false one and he has not executed alleged notarized agreement on 07/09/2018 in favour of the plaintiff. Further, no such agreement is executed on the date mentioned. Under such circumstances, there is no necessary to send the document for impounding purpose. Hence, urged to reject the application.
4. Perused the application. From the perusal of application and the document annexed at Exh. 3/3, it is clear that, the document of which the prayer of impounding is sought by the plaintiff is unregistered and insufficiently stamped document. It is executed on a stamp paper of Rs.500/-. Under the Stamp Act, penalty is leviable only on unstamped or insufficiently stamped document. Document is produced in the Court. The produced document is unregistered and not sufficiently stamped document. The plaintiff is relying upon the said unstamped document and also claiming his possession.

5. Considering above aspect, section 33 sub-section 1 of Maharashtra Stamp Act empowers every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions shall, if it appears to him that such instrument is not duly stamped, impound the same.

6. Thus, considering the above provision this Court is of the view that, application deserves to allow, in the result, following order is passed:

ORDER

1. The notarized agreement dated 07/09/2018 at Exh.3/3 is hereby impounded and be send to collector of the stamp for recovery of the necessary stamp duty.
2. Plaintiff is directed to comply the order within one month and shall bring the necessary certificate from the concern office.
3. The necessary endorsement be taken on the said agreement.
4. letter be issued accordingly.

Kagal
Date:- 21/09/2024

(B.D.Gore)
Civil Judge Junior Division,
Kagal.