

MHKO130008952014



**ORDER BELOW EXH. 46 IN REG. CIVIL SUIT NO.206/2014.**

1. This is an application filed by the Plaintiff for impounding of agreement to sell dated 06/03/2012 filed by him on record.

2. Perused the application and the say filed thereon. It is the contention of defendant that, he has never executed on 06/03/2012 an agreement-to-sell in favour of the plaintiff. The plaintiff has filed false suit on the bases of fabricated stamp paper. So the document cannot be sent for impounding.

3. From the perusal of application and the documents annexed with list 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.100/-. Under the Stamp Act, penalty is leviable only on unstamped or insufficiently stamped document actually produced in the Court. The produced document is an unregistered and insufficiently stamped document. The plaintiff is relying upon the said unstamped document and also claimed his possession. It is a settled law that under section 33 of Bombay Stamp Act the *Agreement to sale sought to be exhibited covered by Explanation 1 to Article 25 of Schedule I not adequately stamped as conveyance then*

*document must be impounded by the Court and then to send it to the Collector for adjudication.* Hence, this Court finds it proper to allow the application. The genuineness of the contents of agreement to sell required to be considered. In result, the following order is passed:

**ORDER**

1. The agreement to sell dated 06/03/2012 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. Issue letter accordingly.

Place: Kagal.  
Date: 27/01/2020

(V. H. Khedkar)  
Civil Judge Jr. Dn., Kagal