

MHKO170006962020



Regular Civil Suit No.68/2020
Sharad Girigosavi + Ors
Vs.
Rangrao Udale + Ors.

ORDER BELOW EXHIBIT 23

Perused the application and record before this court. Perused the say filed by defendants. Present application is filed by the plaintiff/applicant praying to impound the Sale Deed dtd. 24/2/1983. Heard both the learned counsels for parties. Upon perusal of the record it is observed that the matter is still at an initial stage and the temporary injunction application is still pending to be decided. In view of O.39 R1 and 2, and O.13 R.8 of the CPC, the power of impounding the document cannot be exercised at the stage of consideration of temporary injunction application. Court has to record a prima facie opinion in respect of the existence of prima facie case, balance of convenience and an irreparable loss first. Instruments/documents are to be admitted in evidence, at the time of hearing of the suit. The prohibition of Section 34 of the Stamp Act is in relation to receiving any document or admitting any document in evidence. Present stage is of deciding the temporary application first which is to be treated as distinct from that of the hearing of the suit. Hence at this stage I do not find the present application to be tenable in the eyes of law, therefore, rejected. Parties to proceed.

Date: 06/09/2022

(K.J.Khomane)
Civil Judge Junior Division, Panhala