MHLA110005272016

Order below Exh.106 in Spl.CS No.15/2016
Babu Vs. Veershetti & Ors.

By this application defendant Nos.1 to 4 have requested to impound the Partition Deed dated 07/05/1987, on the grounds stated in the application. The contents of application in short are:- that defendants have filed the original Partition Deed dated 07/05/1987 which came to be executed between plaintiff and defendants on the stamp paper of Rs.5/- only. Defendants are ready to pay the deficit stamp duty and for this purpose they had visited the office of Collector of Stamps, who in turn informed them they can accept the deficit stamp duty once the document is forwarded by the Court. Defendants are ready to pay deficit stamp duty so that Partition Deed dated 07/05/1987 can be read in evidence. Hence, the application.

2. Plaintiff has filed his say and raised objection on several grounds and requested to reject the application. Perused application and say. Heard learned advocate Shri.M.K.Walande for defendant Nos.1 to 4 and learned advocate Shri U.S.Jadhav for plaintiff. Both of them have submitted in the line of their application and say respectively. Record shows that plaintiff has filed this suit for partition and separate possession in respect of the suit properties described in para No.1 of the plaint. Defendant Nos.1 to 4 have filed their WS at **Exh.50** and defendant Nos.6 and 7 have filed their WS at **Exh.33**. Issues are framed at **Exh.55** and plaintiff has examined himself at **Exh.57**. His cross examination is completed by defendants.

2. Defendant Nos.1 to 4 have filed Partition Deed dated 07/05/1987 at list below **Exh.79/1**. The said Partition Deed dated 07/05/1987 has been prepared on deficit stamp duty and as per the provisions of Section 35, of the Maharashtra Stamp Act,1958, the said document has to be impounded by the Court so that

deficit stamp duty can be recovered from them. However, the said Partition Deed dated 07/05/1987 was not registered before the office of Sub Registrar and therefore, the provisions of Registration Act, 1908 are not complied. Even if the Partition Deed dated 07/05/1987 is sent to the office of Collector of Stamps, Latur for recovery of deficit stamp duty but it will not result in its registration, which is compulsory. Therefore, no purpose will be served by forwarding the Partition Deed dated 07/05/1987 for impounding and sending it will be a futile exercise. Hence, I pass following order:-

ORDER

1. Application is rejected.
2. No order as to costs.

DISTRICT COURTS MAHARASHTRA
Digitally signed by ASHISH BIHARILAL MARLECHA
Date: 2024.04.05 12:58:12 +0530

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.

Date :04/04/2024