

MHNG070008022010



ORDER ON EXH. 94
(Passed on 1st August, 2024)

1. This is an application filed by defendant under order XIII Rule 8 of Code of Civil Procedure for impounding the document dated 10.12.2002. Plaintiff filed his say at Exh. 101.
2. Heard and considered submission of ld. advocate of defendant. Ld. Advocate of the plaintiff remained absent when called out repeatedly. Hence, application proceed without hearing the argument of ld. advocate of the plaintiff. The plaintiff filed his say at Exh. 101 which is considered as a part of argument.
3. Perused record along with application and say. Document dated 10.12.2002 is filed on record. Plaintiff objected present application on the ground that it is a belated application and as the said document is not stamped accordingly nor admissible. The plaintiff in para 5 of his say contended that, after fourteen years defendant want to impound the document, therefore it is time barred document. Therefore it is not necessary to impound the document. The application is filed to prolong the matter. It is further contended that, if the document is impounded, then it will affect the merit of the case.
4. I have considered the submissions of ld. advocate of the defendant and say of the plaintiff. As per section 33 of the Bombay Stamps Act 1958, it is necessary to impound document which are not

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properly stamped. The object of this section is to safeguard the revenue of State. I have perused the document dt. 10.12.2002. On its plain reading, it reveals that, there is a specific content in the said document regarding the sale of suit property for the valuable consideration of Rs. 12,000/-. Therefore, the said document is an outright sale deed.

5. The ld. advocate of the plaintiff has relied upon the case law of Hon'ble Hyderabad High Court in case of **B.Bal Reddy Vs. B.Ram Reddy and Ors. reported in (2016(3)Civil LJ 554) [CRP No. 3629 of 2010]** in which Hon'ble High Court held that, unregistered document cannot be received in evidence for want of registration. It is also held that, when the admissibility of document is challenged, the Trial Court is not supposed to postpone the decision on the issue of admissibility. Considering the entire above discussion, the document dt. 10.12.2002 is an outright sale deed and it was not registered. Therefore, it cannot be taken into evidence even after, payment of stamp duty. Therefore, it appears to the Court that, as the outright sale deed dt. 10.12.2002 is required to be compulsorily registered under Section 17 of the registration Act, 1908 and as the said document is not registered it cannot be taken into the evidence. The case law cited above is applicable to the case in hand. Therefore, it would not be proper to impound the document. Accordingly, I proceed to pass following order-

ORDER

1. Application is rejected.
2. As the matter is more than fourteen year old, it is directed to both the parties to proceed on the next date without due fail.

Katol.
Date- 01.08.2024

(V.A. Jadhav)
Jt. Civil Judge, Jr.Dn., Katol