

1.

Regular Civil Suit No. 7/2021

Pandurang Govinda Ghode,
Vs.

Kondaji Tukaram Ghode and ors.,

MHNS230001552021



ORDER BELOW EXH. 28

The plaintiff has filed this application for impounding the document i.e. agreement to sell dated 31.05.2003 and for forwarding the same to stamp collector for imposing necessary stamp duty.

02. Perused the application and say filed overleaf the application. Heard both learned advocates.

03. The plaintiff has submitted that defendant has executed unregistered agreement to sell in his favour on 31.05.2003. As the agreement to sell is written on stamp paper, it needs to be impounded. Plaintiff is ready to pay the stamp duty for impounding the agreement to sell. Hence, he has prayed for sending the original copy of agreement to sell to stamp registrar for impounding the same.

04. The defendant has contended that he has never executed agreement to sell in favour of plaintiff. The plaintiff has prepared bogus draft of agreement to sell. Hence, it is not necessary to impound the document. Therefore, defendant has prayed for rejection of application.

05. On perusal of record, it appears that the plaintiff has filed the suit for specific performance of contract and for perpetual injunction against defendants. The plaintiff has come with the case that defendant no. 1 has executed agreement to sell the suit property bearing Gat no. 226 to the plaintiff and thereby he has given possession of the suit property to the plaintiff. On perusal of document agreement to sell it appears that it is unregistered and also it contents the recitals in respect of handing over the possession of the suit property to plaintiff in the para no. 5 of the agreement. Hence, the possession of the suit property prima facie shows to have been transferred to plaintiff. As per provision of the Registration Act, 1908, the deed of conveyance is required to be registered and properly stamp. Therefore, it is necessary to impound the document and send the same to the collector of stamp for imposing appropriate stamp duty. Hence, the following order.

ORDER

1. The application is allowed.
2. The agreement to sell dated 31.05.2003 be impounded and forwarded to Stamp Collector, Igatpuri for imposing appropriate stamp duty.
3. The original document be forwarded to Stamp Collector, Igatpuri by keeping its copy on record.
4. The plaintiff is directed to pay appropriate stamp as imposed by Stamp Collector, Igatpuri and to take appropriate steps.
5. Issue writ accordingly.

(M. D. Nanaware)

Date : 09.09.2025

Jt. Civil Judge Senior Division,
Igatpuri.