

Order below Exh.15 in RCS 216/2020
Shital Mali Vs Laxman More
CNR-MHSN08-001956-2020

The application is for impounding of the agreement
Dt.11/03/2020

2 Perused the application, say (Exh.16) and the record.

3 Heard, Ld. Adv for the plaintiffs.

4 None present of the defendant.

5 The suit is for specific performance of the contract. The instant day this Court has allowed, the application seeking setting aside of nows order and directed the ws be taken on the record, on due compliance of the costs.

6 The application is predicted on the ground, that after the sale deed was executed by the plaintiffs in favor of the defendant, which was a nominal document, and in fact, it was a hand loan transaction, on or about 11/03/2020. The plaintiffs and the defendant, entered into an agreement, which evidences are that the real transaction, was of hand loan and not the sale deed. The original stamp of Rs.100/- Dt.11/03/2020 has to be impounded, and it cannot be exhibited. The plaintiffs suit is based on the said document, and is the best possible evidence. Hence, the it would be prayed that the application may kindly be allowed, and the unregistered agreement, may kindly be impounded and be sent to the Collector of stamps, Sangli.

7 The application has been opposed by filing detailed say. The defendant contended the transaction is out and out sale. The agreement is termed to be illegal. The plaintiffs are creating false evidence.

8 Admittedly, the stage in the suit is not of evidence. As per relevant Sections i.e., 33 to 35 of the Maharashtra Stamp Act, 1958 (the Stamp Act) has to be considered. In short, the scope, power and

authority to impound an unregistered document or deficit stamp duty is governed by the above provisions of the law.

9 It is settled law that the stage of impounding of unregistered/deficit stamp duty document, has to be exercised at the stage of evidence/tendering of the document in the evidence. For the above reasons, the application is premature. Hence, the following

Order

The application stands rejected.

2 The plaintiffs may file appropriate application at the appropriate stage, if required.

Jath
Date:05/02/2025

(Sanjay P.Bunde)
Jt.C.J.J.D, Jath