

MH50130007592016

**ORDER BELOW EXHIBIT-18**

Defendant no.1 moved an application for impounding the alleged agreement to sale of suit property. He submitted that the plaintiff has not paid proper stamp duty on alleged agreement to sale. The stamp duty is insufficient. It can not be read into evidence. Hence prayed for impounding the alleged document. The plaintiff has strongly opposed the application. He submitted that the present application is not tenable. The present application is filed only to prolong the trial. Hence prayed for rejection of the application.

02. Heard both parties. The present suit is for specific performance of contract. The plaintiff is relying upon the agreement to sale dated 30/12/2002 of suit property between the plaintiff and deceased Martand Siddheshwar Hagare. The consideration amount of suit property was agreed between the parties at Rs.2,93,650/-. The alleged document is written on the general stamp of Rs.20/-.

03. As per Article 5 of Schedule 1 of the Bombay Stamp Act, the proper stamp duty is one rupees for every Rs.10,000/- or each part thereof. The consideration of the said document is Rs.2,93,650/-. The proper stamp duty is one rupees for every ten thousand rupees. This means the plaintiff to write an agreement on the general stamp of Rs.30/-. However it is written on the stamp of Rs.20/-. There is insufficient stamp duty of Rs.10/- on the alleged agreement to sale. It

required to be impounded and it required to be sent to the Stamp Collector, Solapur for recovering the insufficient stamp duty and its penalty on it. Thus, the present application Exh.18 is allowed and I proceed to pass the following order;

ORDER

- 1) The instrument (agreement to sell) dated 30/12/2002 is impounded.
- 2) The plaintiff is directed to pay deficit stamp duty of Rs.10/- with penalty whichever determine by the Stamp Collector, Solapur.
- 3) This office is directed to send to the Stamp Collector, Solapur an authenticated copy of the instrument of agreement to sale dated 30/12/2002 and directed to it to submit its report within two months from this order.

Barshi.
Date :- 09-08-2023.

(S.B. Vijaykar),
Jt. Civil Judge Jr.Div.,Barshi

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment / Order.

(a)	Name of the Stenographer	:	S.R. Barangule
(b)	Court	:	S.B.Vijaykar, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	09/08/2023
(d)	Judgment /Order uploaded on	:	19/08/2023