

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.10932 OF 2015**

Premchand s/o Lalchand Jain,  
Age: 57 years, Occ: Agri. & Business,  
R/o. Main Road, Akkalkuwa,  
Tq. Akkalkuwa, Dist. Nandurbar.

...Petitioner

versus

Rajesh s/o Ichharam Bhavsar,  
Age: 43 years, Occ: Agri.,  
R/o. Lohar Galli, Akkalkuwa,  
Tq. Akkalkuwa, Dist. Nandurbar  
& ors.

...Respondents

.....  
Mr. S.S. Kulkarni, Advocate h/f Mr. G.D. Jain, Advocate for petitioner  
.....

**CORAM : N.W. SAMBRE, J.**

**DATE : 16<sup>th</sup> NOVEMBER, 2015**

**ORAL ORDER :**

The petitioner, defendant No. 4 to the suit for partition, has questioned the order dated 05/10/2015 passed by learned Civil Judge, Junior Division, Akkalkuwa below Exhibit-55 - an application filed by defendant No. 4 under Order 7 Rule 11 and under Section 9A read with Section 151 of the Code of Civil Procedure praying therein rejection of the plaint for want of proper court fee. According to Mr. Kulkarni, learned Counsel for the petitioner, the suit being undervalued calls for order of rejection of the plaint on the ground of payment of deficit stamp duty as suit was not properly valued. In

support of his contention, he has invited attention of this Court to the relevant statement of valuation made in the plaint.

2. Perusal of the order below Exhibit-55 - an application for rejection of the plaint, it is noticed that the Court has directed the plaintiff to pay correct court fees upon proper valuation of claim made in the suit.

3. In my opinion, the said order is in the tune to the provisions of Code of Civil Procedure, particularly Order 7 Rule 11.

4. No material illegality or irregularity could be noticed in the impugned order. As such, writ petition fails, same stands dismissed.

**[ N.W. SAMBRE, J. ]**