

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 234 OF 2014
(Subhash s/o Kashiraya Navtake Vs. Sharanappa
s/o Kashiraya Navtake and others)

Mr. S.V. Natu, Advocate for the petitioner

Mr. S.N. Patne, Advocate for respondent No.1

CORAM : M.T. JOSHI, J.

DATE : 25/03/2015

ORAL ORDER :

1. Upon hearing both sides and finding that there is disputed fact regarding the under-valuation of some of the property and upon conversion of the agricultural property for non-agriculture use, what should be the market value of those suit properties, the impugned order of dismissal of the application under Order-VII Rule 11 of the Code of Civil Procedure, is hereby set aside for fresh decision lateron by the learned trial Court upon making enquiry as provided by Section 8 of the Maharashtra Court-Fees Act (earlier Bombay Court Fees Act, 1959).

2. The defendants are permitted to file an

application by giving all the details as are required under section 8 of the Maharashtra Court-Fees Act. The said application be filed within a period of four weeks from the date of this order, which would be heard and decided by the concerned Civil Judge Senior Division and thereupon, the present application filed under Order-VII Rule-11 of the C.P. Code may be taken up for decision.

3. With the above observations, the present civil revision application is disposed of, without any order as to costs.

[M.T. JOSHI]
JUDGE

npj/cra234-2014