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

WRIT PETITION NO. 11695 OF 2015

Sahadev Tuljaram Patil ..PETITIONER

VERSUS

Sunanda Subhash Ghodke & ors. ..RESPONDENTS

Mr N.D. Kendre, Advocate for petitioner

**CORAM : N.W. SAMBRE, J.
DATE : 7th December, 2015**

ORAL ORDER :

In Special Civil suit No.24 of 2015, pending on the file of 3rd Joint Civil Judge Senior Division, Osmanabad, the petitioner-original defendant no.5 raised a preliminary objection to the pecuniary and territorial jurisdiction of the said Court. The said issue has been answered against the petitioner by order dated 29th October, 2015. Thus, the present petition.

2. Learned Counsel appearing on behalf of the petitioner, while questioning the legality of the order impugned, would urge that the claim in the suit for partition is overvalued and the entire suit property is located in the territorial jurisdiction of the Court of Civil Judge Junior Division, Tuljapur. As such, Court of Civil Judge Senior Division at Osmanabad has no jurisdiction to adjudicate the claim in the suit. While dealing with the same, the learned Trial Court noticed that since the valuation of the suit is above Rs.5 Lacs and in absence of Court of Civil Judge Senior Division at Tuljapur, the suit was entertained by the Court of Civil Judge Senior Division at Osmanabad and rejected the application.

(2)

3. If the submission of the learned Counsel appearing on behalf of the petitioner is tested in the light of the observations made by the Trial Court, in my opinion, no error could be noticed in the order of the learned Trial Court, as the Court of Civil Judge Senior Division at Osmanabad is having jurisdiction over the area at which the suit property is located and for which the suit for partition and possession is filed.

4. In view of above, no case for interference is made out. Writ Petition fails and stands dismissed with no order as to costs.

(N.W. SAMBRE, J.)

amj