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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11323 OF 2015

M/s.Shree Laxmi Construction and Developer and Ors. .. Petitioners

Vs.

Mr.Ratnakar Gopal Navle

.. Respondent

Ms.Monica Kshirsagar i/b Ms.Anusha Amin, Advocate for the
Petitioners.

Mr.Onkar Gupte a/w Mr.PK.Kochar, Advocate for the Respondent.

CORAM : R.G.KETKAR, J.
DATED : 17^h DECEMBER, 2015

P.C. :

. Heard Ms.Monica Kshirsagar, learned Counsel for the
petitioners and Mr.Onkar Gupte, learned Counsel for the respondent.

2. By this Petition under Article 227 of the Constitution of
India, petitioners, hereinafter referred to as defendants, have
challenged the judgment and order dated 06/08/2015 passed by the
learned Joint Civil Judge, Junior Division, Thane, below Exhibit 12 in
Regular Civil Suit No. 881 of 2014. By that order, the learned trial
Judge partly allowed the application made by the original defendant
No.1 under Order 7, Rule 11 read with Section 9-A of the Code of
Civil Procedure, 1908 (fort short 'C.P.C.')

3. In the order dated 26/11/2015, submissions made by
Mr.Patil were recorded. In paragraph 5 of the impugned order, the

learned trial Judge has observed that having regard to the valuation report, the Suit is beyond the pecuniary jurisdiction of the Court. Mr.Gupte submits that he has accepted the findings recorded by the learned trial Judge in paragraph 5 of the impugned order that the claim of the Suit exceeds the pecuniary jurisdiction of the Court. He submitted that the learned trial Judge should have returned the plaint for presentation before the appropriate Court.

4. In view thereof, by consent of the parties, the impugned order is modified and the learned trial Judge is directed to pass the order directing return of plaint to the plaintiff for presentation before the appropriate Court.

5. The parties shall appear before the trial Court on 04/01/2016 when the Court will pass the appropriate order. Order accordingly.

(R.G.KETKAR, J.)