

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.32096 OF 2014

Bhimsingh Ganpatsingh Rajput : Petitioner
versus
Pralhadsingh Gulabsingh Rajput : Respondent.

Mr. Ashish P Pawar for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 07th January 2015

P.C.

1 The above Writ Petition has been filed challenging the order dated 13/10/2014 passed by the learned Joint Civil Judge, Junior Division, Tasgaon by which order the Application (Exhibit 56) filed under Order VII Rule 11(c) and (d) of the Code of Civil Procedure came to be rejected.

2 The said Application was founded on the fact that during pendency of the suit i.e. on 30/11/2011 the Defendant No.1 has sold out the suit property to one Ashok Yallappa Patharwat vide registered sale deed bearing No.3173 for the consideration amount of Rs.13 lacs. It was the contention of the Defendant No.1 that the Plaintiff would therefore have to file a separate suit . The further the contention of the Defendant No.1 was that the Plaintiff would have to pay the court fees on the consideration amount of Rs.13 lacs.

3 The Trial Court rejected the said Application on the ground that the Plaintiff is required to value the suit on the basis of the value of the suit property as on the date of filing of the suit and valuation would not change on account of any transaction which has taken place, pending the suit. The Trial Court further held that it was not necessary for the Plaintiff to challenge the transfer which has taken place pending the suit and therefore the court fees are not required to be paid in respect of the said transaction.

4 In my view, having regard to the reasons mentioned in the impugned order, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]