

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 577 OF 2015**

1. Shri Aabasaheb Shivdas Bandgar ..Applicant

Vs

1. Ravindra Shivdas Bandgar and .. Respondents
Ors.

Ms. Savita A. Prabhune, Advocate for Applicant.

Mr. Kuldeep U. Nikam, Advocate for Respondents no.1 and 2.

CORAM : R.G.KETKAR,J.

DATE : 29/02/2016

PC:

1. Heard Ms. Savita Prabhune, learned counsel for the applicant and Mr. Kuldeep Nikam, learned counsel for respondents no.1 and 2 at length.

2. By this Application under Section 115 of Civil Procedure Code, 1908, (for short, 'C.P.C.'), the applicant has challenged the Judgment and order dated 14.7.2015 passed by the learned Civil Judge, Senior Division, Indapur below application - Exhibit 29 in Regular Civil Suit No.162 of 2014. By that order, the learned trial Judge held that the Court of Civil Judge, Jr. Dn., Indapur has pecuniary jurisdiction to entertain and try the suit and directed respondents no.1 and 2-plaintiffs to value the court fee as per section 6(vii) and section 6 read with (v)(a) of the Maharashtra Court Fees Act and accordingly pay court fees of Rs.25,052.40.

3. Defendant no.1 filed application under section 9-A on

24.6.2014 at Exhibit-29. In paragraph 2 of the Application, defendant no.1 asserted that the plaintiff should value the suit as per section 6(v) and according pay the court fee on the basis of market value of 60 Ares non-agricultural land.

4. After arguing the application for quite some time, Ms Prabhune seeks permission to withdraw application-Exhibit-29 with liberty to file fresh application under Section 9-A of C.P.C. raising objection based on Section 6(iv)(d) of the Maharashtra Court Fees Act.

5. On the motion made by Ms. Prabhune, Application Exhibit-29 is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of opinion on merits either way. All contentions of the parties are kept open. Order accordingly.

(R.G.KETKAR, J.)