

Sequeira

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

WRIT PETITION NO. 9181 OF 2014

Smt.Sangita Rajaram Lokhande & anr.

.. Petitioners

Vs

Shri Rupchand Tikaram Kasure
(Kasture) (Malav) & ors.

.. Respondents

Mr.S.V.Sadavarte, for Petitioners.

None for Respondents.

***CORAM : N.M.Jamdar, J.
Tuesday, 27 September 2016.***

P.C. :

Petitioners challenged the order passed by the learned Civil Judge Junior Division Pune, dated 22 April 2014 permitting the Petitioners to pay the Court fee and correct the valuation accordingly.

2. The learned counsel for Petitioners submitted that by permitting such course of action preliminary issue so framed has been sought to be defeated and the suit should have been disposed of. This submission cannot be accepted. Respondent-Plaintiff has accepted the error in valuation and has sought to correct the same by paying additional Court fee. Since Respondents accepted the position the learned Judge has permitted Respondent-Plaintiff to take corrective measures. There is no error in the order nor there is any failure of justice. Writ Petition is accordingly rejected.

(N.M.Jamdar, J.)