

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**WRIT PETITION NO. 11188 OF 2014**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Vinod Sangvikar i/b Umesh Mankapure for the Petitioner.

**CORAM : K. K. TATED, J.  
DATED : 17/06/2016**

**PC.:**

. Heard learned Counsel for the petitioner.

2 By this petition under Article 227 of the Constitution of India, the petitioner Defendant No.7 challenges the order dated 31.07.2014 passed by 5<sup>th</sup> Joint Civil Judge, Junior Division, Sangli below Exh. 42 in Regular Civil Suit no. 7 of 2014 partly allowing the defendant No.7's application under Order VII Rule 11(b)(d) and Order 1 Rule 10(2) of Code of Civil Procedure, 1908.

3 In the present proceeding, the Respondent plaintiff filed Regular Civil Suit No. 7 of 2014 in the Court of Civil Judge, Junior Division, Sangli for partition of HUF property and claiming her 1/15<sup>th</sup> share. The plaintiff valued the suit property for

Rs.13,25,000/- and paid Court Fee of Rs.88,334/-  
i.e. 1/15<sup>th</sup> share in HUF property.

4 It is the case of Defendant No.7 that the Trial Court failed to consider the issue raised about the payment of Court Fees by the plaintiff. Bare reading of order passed by the Trial Court dated 31.07.2014 shows that Trial Court specifically held that issue about payment of court fees can be considered, only after adding Nandkumar Appaso Patil as party defendant.

5 Considering this fact that Trial Court has not rejected Defendant No.7's application totally for deciding the issue of payment of court fees, I do not find any substance in the present Writ Petition.

6 Hence, Writ Petition stands rejected.

**(K.K.TATED, J.)**