

JPP

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

*SECOND APPEAL NO. 237 OF 2016
WITH
CIVIL APPLICATION NO.. 436 OF 2016*

Mr. Ganesh Shivaji Gawali. ... Appellant/Applicant.

V/s.

Mr. Balasaheb Pandharinath Gawali & Ors. ... Respondents.

Mr. Drupad Patil for the Appellant/Applicant.
Mr. Chaitanya Nikte for Respondent 14.

CORAM : N.M. Jamdar, J.

13 April, 2016.

P.C. :-

Not on board. Taken up on production board by way of praecipe.

2. The Appellant challenges the order passed by the Civil Judge, Senior Division, Pune allowing the Application filed by the Respondents taking objection to the valuation made by the Appellant. The learned Civil Judge by order dated 12 February 2015 directed the plaint be returned for presentation before the Court having jurisdiction. The Appellant thereafter filed an Appeal before the District Court which is dismissed.

3. Perused the impugned order. Both the Court have concurrently held that as per the valuation of the property the suit cannot be instituted in the Court of Civil Judge, Senior Division. The learned Counsel for the Appellant is not been able to show how the view taken is incorrect. The Second Appeal is accordingly dismissed. All contentions on merits are kept open.

4. Civil Application also stands disposed of.

(N.M. Jamdar, J.)