

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12502 OF 2017

VINOD GOPAL KESKAR AND OTHERS
VERSUS
SAMABAI SAMINDRABAI NANASAHEB KOTKAR AND OTHERS

...

Advocate for Petitioners : Mr. Joshi Milind M.

Advocate for Respondents : Mr. R.S. Kasar

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CORAM : V. K. JADHAV, J.

DATED : 2nd NOVEMBER, 2017

PER COURT:-

1. Learned counsel for the petitioners seeks leave to withdraw this writ petition with liberty to file fresh application.

2. Learned counsel for the petitioners submits that the petitioners original defendants 11 to 15 have specifically raised a point that the suit is not properly valued. Learned counsel submits that in terms of provisions of Section 8 of the Maharashtra Court Fees Act, the enquiry is required to be conducted. Learned counsel for the petitioners submits that the petitioners may be granted liberty to file separate application under Order VII Rule 11(b) of C.P.C. r.w. Section 8 of the Maharashtra Court Fees Act 1952.

3. Learned counsel for the respondents submits that the trial court has already dealt with the said point, however, the respondents

have no objection if the petitioners is granted such liberty to file an application.

4. In view of above, leave granted. Writ petition is disposed of as withdrawn with liberty to the petitioners to file an application under Order VII Rule 11 (b) of C.P.C. and under Section 8 of Maharashtra Court Fees Act 1952 and the trial court shall decide the said application on its own merits in accordance with law. Writ petition is disposed of.

(V. K. JADHAV, J.)

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