

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

WRIT PETITION NO. 4869 OF 2017

Shri Kshetra Mahabaleshwar
Devasthan Trust, Satara
Through Estate Manager

...Petitioner

Versus

The Sarpanch Grampanchayat Kshetra
Mahabaleshwar & Ors.

...Respondents

.....

Mr. Vijay Killedar for the Petitioner.

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**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MAY 4, 2017**

P.C. :

1. Not on board. Upon mentioning, taken on board.
2. A short issue is involved in the matter. As per order dated 26.04.2017, the parties were given notice that the petition will be finally decided at the stage of admission on the next date. The matter will be decided finally.
3. Rule. Rule made returnable forthwith. The petition is heard and finally disposed off at the stage of admission.

4. Pursuant to the order dated 26.04.2017 passed by this Court and the service on the respondents i.e. the Sarpanch Grampanchayat Kshetra Mahabaleshwar & others is now shown alongwith affidavit of service. This affidavit of service showing the signatures and acknowledgements on the letterhead of the learned counsel are taken on record and marked at Exhibit-A and Exhibit A-1.

5. Pursuant to the order dated 15.12.2016 passed by the learned Civil Judge Junior Division, Mahabaleshwar has valued the Suit as per market rate of Rs. 1,49,28,600/- and held that Civil Judge Junior Division has no jurisdiction to entertain the subject matter and it is to be presented before the Civil Judge Senior Division. The learned Civil Judge Junior Division has further directed, vide order dated 15.12.2016 that the plaintiff to pay the Court Fees ad-valorem to the market rate of the suit land.

6. The learned counsel for the petitioner submits that the Suit is filed for simplicitor injunction and therefore, as per section 6 (iv) (j) of Bombay Court Fees Act the same is valued for Rs. 1000/-.

7. Perused the prayers and also the plaint. The Suit has filed for simplicitor injunction. In view of the above, Writ Petition is allowed and the order passed by the learned Civil Judge Junior Division, Mahabaleshwar is hereby set aside.

8. Rule made absolute in above terms.

(MRIDULA BHATKAR, J.)