

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.3688 OF 2016**

**Shri Sagar Anil @ Dilip Chavan
& Anr.**

...Petitioners

Vs.

**Shri Amar Shivajirao Chavan
& Ors.**

...Respondents

Mr. Sandeep S. Koregave for the Petitioners.

Mr. P.D. Dalvi for Respondent No.3.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : JUNE 19, 2017.

P.C.:

The order dated 4th March, 2016 passed by the 4th Joint Civil Judge, Junior Division, Kolhapur, below Exh.32 and Exh.34 in Regular Civil Suit No.183/2016 is under challenge.

2. The application under Order VII Rule 11(b) of Code of Civil Procedure was filed by respondent no.3/defendant no.3 thereby raising objection that the suit is not properly valued and, therefore, the Court has no pecuniary jurisdiction. The trial Court,

after hearing the parties, decided to frame preliminary issues on the point of valuation and pecuniary jurisdiction.

3. The submission of the learned counsel for the petitioners is that there was no need for the Court to frame the issues because it was a question of facts and law. This submission cannot be appreciated at this stage as the Court has rightly framed the issues. Hence, the petition is dismissed with following directions :

(a) Learned counsel for the petitioners submits that now the matter before the trial Court is kept after two days. The parties to appear before the Court on that date and, thereafter, within three weeks the trial Court to decide the preliminary issue and parties to co-operate.

(MRIDULA BHATKAR, J.)