

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

WRIT PETITION NO.519 OF 2017

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, Advocate for Petitioners.

CORAM : R. G. KETKAR, J.

DATE : 25/01/2017

P.C.:

1. Heard Mr.Vinod Sangvikar, learned Counsel for the petitioners.
2. By these petitions under Article 227 of the Constitution of India, the petitioners hereinafter referred to as 'defendants No.1 to 3', have challenged the judgment and order dated 29.4.2016 passed by the learned 5th Jt. Civil Judge, Junior division, Sangli below Exhibit-19 in R.C.S. No.347/2012. By that order, the learned trial Judge rejected the application filed by defendants No.1 to 3 for rejecting the plaint on the ground that the suit is under valued.

3. The learned trial Judge has held that the the issues were framed on 14.8.2014. One of the issues is “Is suit is properly valued and proper Court fee is paid by the plaintiff?”. As the issue is already framed, it is necessary to allow the parties to lead their evidence in the suit. The learned trial Judge, therefore, held that the application under Order VII Rule 11(b) is not maintainable. I do not find that any error is committed by the learned trial Judge. In view thereof, the Petition is dismissed with liberty to the defendants to file application under Section 8 of the Maharashtra Court Fees Act requesting the trial Court to hold enquiry as contemplated therein. Order accordingly.

(R. G. KETKAR, J.)