

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 7568 OF 2017

SHAIKH AHEMAD FARIDSAHAB
VERSUS
JAMILABEE KHAJAMIYA MANIYAR AND OTHERS

...
Advocate for Petitioner : Mr. Dharashive M.L.

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CORAM : V. K. JADHAV, J.
DATED : 3rd APRIL, 2018

PER COURT:-

1. By way of this writ petition, the petitioner-original defendant No.2 has challenged the order dated 8.12.2016 passed by the trial court below Exh. 28 in Regular Civil Suit No. 264 of 2013.

2. The petitioner-defendant No. 2 has filed an application Exh.28 for inquiry as to the valuation of the suit property as per the market value. Respondent No.1-plaintiff has strongly resisted the said application. It is the contention of the petitioner that the valuation of the property is more than Rs.5,00,000/- however, the respondent-plaintiff has valued the subject matter of the suit property at Rs.2,00,000/- and accordingly paid the Court Fees of Rs.200/-, as per the provisions of Section 6(iv) (j) of the Maharashtra Court Fees Act. It is the further contention of the petitioner-defendant that the suit property must be valued as per the provisions of Section 6 (iv)

(d) of the said Act.

3. Though the trial court by impugned order dated 8.12.2016 has rejected the said application. However, the trial court has observed that the contention raised by the petitioner-defendant requires careful scrutiny on the basis of the evidence adduced by both the parties and at this stage framing the issue regarding the same will suffice the purpose instead of making enquiry or calling any report from the office of the Sub Registrar. The learned Judge of the trial court has observed that the said issue can be resolved at the time of trial of the suit.

4. In view of the same, the petitioner-defendant can agitate all questions of valuation of the suit property during the course of trial of the suit. I do not find any fault in the impugned order passed by the trial court. There is no substance in the writ petition. The writ petition is accordingly dismissed. No costs.

(V. K. JADHAV, J.)

rlj/