

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8643 OF 2018

**RAJENDRA RATANLAL ASAR
VERSUS
REKHABAI KALYANDAS CHICHIYA BHATIYA**

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Advocate for the Petitioner : Shri Sonavane Narendra D..

Advocate for the Respondent : Shri Kasliwal Ajit D..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th September, 2018

Per Court:

1 The Petitioner/ Defendant is aggrieved by the order dated 24.04.2018 passed by the Trial Court.

2 The Petitioner had moved an application Exhibit 55 praying for rejection of the plaint under Order 7 Rules 10 and 11 of the Code of Civil Procedure. Other Defendants moved the applications Exhibits 59 and 65 praying to decide the issue of court fees as a preliminary issue under Order 14 Rules 1 and 2 of the Code of Civil Procedure.

3 As per the order below Exhibit 62, the Collector, Aurangabad was directed to supply the correct valuation of the suit property in the year 1999. The valuation supplied indicates that the suit property is valued at Rs.19,33,800/-.

4 By the impugned order, the Trial Court referred to paragraph 233 of the Civil Manual and transmitted the papers to the learned Principal District Judge, Aurangabad to pass appropriate orders with regard to the withdrawing of the suit from the Court of the learned 3rd Joint Civil Judge, Junior Division, Vaijapur so as transfer it to the Court of the learned Civil Judge, Senior Division, Vaijapur.

5 It is informed that the learned Principal District Judge has passed necessary orders. The suit has been transferred to the court of the learned Civil Judge, Senior Division, Vaijapur and the parties have already appeared before the said Court.

6 Considering the above, this Writ Petition is rendered infructuous and stands disposed of.

kps

(RAVINDRA V. GHUGE, J.)