

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11085 OF 2018

RUKHMANIBAI BHIKAN SURADKAR (CHAUDHARY)
AND ANOTHER
VERSUS
SINDUBAI BARBHARI MAHAPURE

Advocate for Applicants : Mr. D.D. Choudhari.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 05th October, 2018

PER COURT :

1. The petitioners/defendants are aggrieved by the order dated 14/08/2018, passed by the Trial Court, by which, application Exhibit 33 filed by these petitioners in Special Civil Suit No. 315/2015, has been rejected and costs of Rs. 500/- has been imposed on the defendants.

2. The grievance is that the defendants had prayed for calling a report for valuation of the suit. It was prayed that an enquiry as regards the valuation is necessary. It was contended that the plaintiff has wrongly shown that the Court fees are to be calculated on Rs.632552/-. Since, the plaintiff is praying for half share in the house property, Court fees will have to be deposited on half of the valuation of the house property.

3. I find from the impugned order that the Trial Court has considered the contentions of the petitioners in view of Section 6 (vii) of the Maharashtra Court Fees Act. It is admitted that the plaintiff is demanding half share in the suit property. She has therefore, paid the Court fees for the half share. The said amount is Rs. 316276/-. The Trial Court is convinced that it has pecuniary jurisdiction to deal with the said suit and has also relied upon the report of valuation submitted by the Sub-Registrar, Khultabad.

4. In view of the above, I do not find that the impugned order can be termed as being perverse or erroneous. This petition being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)