

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11961 OF 2018

Gorakshnath Yelba Yelam

Petitioner

Versus

Sonyabapu Sahebrao Aher & ors.

Respondents

...

Mr. V.H. Dighe, Advocate for the petitioner

Mr. C.K. Shinde, Advocate for the respondent Nos.1 & 2

...

Coram : N.M. Jamdar, J.

Date : 19 November 2018

Per Court :

Heard learned counsel for the parties. The petitioner has challenged the order passed by the learned 2nd Joint Civil Judge Junior Division, Rahata dated 7 September 2018 rejecting the application filed by the petitioner for return of the plaint and allowing application filed by the respondent-plaintiff.

2 Main contention raised by the petitioner is that the suit being valued at ₹5,01,000/- is beyond pecuniary jurisdiction of the Civil Judge Junior Division. When this application was moved by the petitioner-

respondent, plaintiffs moved an application to clarify that addition of ₹1,000/- is an error and in fact excess Court fees has been paid. Accepting this explandor of the respondent-plaintiff, the learned civil Judge has passed the impugned order. There is neither any error of jurisdiction nor any failure of justice to interfere under Article 227 of the Constitution of India. Writ petition is accordingly rejected.

N.M. Jamdar, J.

agd