

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL REVISION APPLICATION NO. 194 OF 2016****Mumbai International Airport Pvt. Ltd.****..... Applicant****VERSUS****Roy Ambrose Creado & Anr.****..... Respondents**

Mr. Tejas S. Bhide for the Applicant.

Mr. Ashish T. Suryawanshi for the Respondent no.1.

Mr. Arsh Misra, i/b. M.V. Kini for the Respondent no.2.

CORAM : R.D. DHANUKA, J.**DATE : 3rd SEPTEMBER, 2018****P.C.**

By this civil revision application filed under section 115 of the Code of Civil Procedure, 1908 by the applicant (original defendant no.2) has impugned the order passed by the learned trial judge rejecting the notice of motion filed by the applicant (original defendant) under Order 7 Rule 10(a) of the Code of Civil Procedure *inter alia* praying for return of the plaint on the ground that the suit was not valued properly by the original plaintiff.

2. The learned trial judge has considered the averments made in the plaint and also the prayers and has rightly held that there was no prayer for declaration of the title and thus considering the pleadings in the plaint, reliefs were not susceptible to valuation and thus section (6)(iv)(d) was not attracted.

3. On perusal of the averments made in the plaint and prayers, in my

view the learned trial judge was right in holding that no case was made out for return of the plaint and that the suit was properly valued. Admittedly, there was no prayer for declaration of title in the plaint.

4. Civil revision application is devoid of merits and is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]