

vks

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.513 OF 2017

Prabhakar Shankar Avaskar and ors	...	Petitioners
V/s.		
Shirish Baburao Gujar	...	Respondent.

Mr. Sachin Gite, for the Petitioners.
Mr. Girish Agarwal, for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st FEBRUARY, 2018.

P.C. :

1] Heard learned counsel for the petitioners and learned counsel for respondent.

2] This Revision is preferred under Section 115 of the Code of Civil Procedure Code, challenging the order dated 6th July, 2017, passed by 2nd Joint Civil Judge Junior Division, Sinnar, below Eh.80 in R.C.S.No.89 of 2004.

3] Application at Exh.80 was preferred by the present petitioner under Order VII Rule 11 of Code of Civil Procedure, challenging the valuation of the suit claim on the ground that the suit is filed by respondent for possession of the suit property and presently the market valuation of the suit property is more than

20,00,000/-; whereas respondent has paid Court fee only on rent of a year of the said property. However, as rightly held by the trial Court and even a cursory glance to the suit filed before the trial Court goes to show that initially suit was for declaration and injunction and thereafter it was filed for getting possession under the provisions of Maharashtra Rent Control Act.

4] Respondent has come before the Court with specific case that there is registered lease agreement between her and the petitioner which is executed on on 4th February, 1997 and on the basis of said agreement, there is relation of landlord and tenant and now he is seeking possession of the tenanted premises.

5] In view thereof, if the amendments are to be looked into and also the grounds mentioned therein, it has to be held that the valuation made by respondent as per section 12(f) of the Maharashtra Court Fees Act, on the rent of one year, is proper and legal.

6] The impugned order, therefore, passed by the trial Court being just, legal and proper. No interference is warranted therein.

7] Revision Stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]