

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

CIVIL REVISION APPLICATION NO. 1057 OF 2014

M/s. New Tech Infrastructure Pvt. Ltd. ...Applicant

Versus

Shri Ramniranjan Daga & Ors. ...Respondents

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Mr. Abhishek Deshmukh i/b. Mr. S.A.Sawant for the Applicant.
Mr. Suraj Ghangane i/b. Mr. A.M.Vernekar for Respondent No.2

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JUNE 08, 2018**

P.C. :

1. Though served, none appears for respondent no.1.
2. This Civil Revision Application is directed against the order dated 16th January, 2013 passed by the learned Jt. Civil Judge, Senior Division, Kalyan thereby rejecting the application below Exhibit 100 in Special Civil Suit No. 289 of 2010.
3. Respondent no.1/ original plaintiff has filed a suit for specific performance of six Agreements for Sale and as per his pleadings mentioned in paragraph 19, the total value of the suit property in respect of these Agreements for Sale is to the extent of Rs. 44,30,950/-.

4. The learned Counsel for the applicant has submitted that the learned Judge of the trial Court has not properly considered the provision of Section 6 (xi) of the Bombay Court Fees Act, 1959 (hereinafter referred to as "the said Act") where it is necessary for the plaintiff to pay the court fees ad-valorem based on the consideration amount mentioned in the Agreements for Sale. In the present case, the suit is valued for Rs. 50/-.

5. Heard submission. Perused the impugned order and the plaint. The finding given by the learned Judge of the trial Court in paragraphs 4 and 5 of the impugned order is illegal. The learned Judge of the trial Court ought to have taken into consideration the provisions of the said Act. The suit is undervalued. Respondent no.1/ original plaintiff is liable to pay the court fees as per Section 6 (xi) of the said Act.

6. Civil Revision Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)