

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1090 OF 2017
IN
PROPOSED SUIT NO. _____ OF 2017**

Leela Suresh Shetty	...Applicant
<i>Versus</i>	
Leela Jagannath Shety & Ors	...Respondents

Mr RS Apte, Senior Advocate, i/b Sheetal Kohad, for the Applicant.
Mr Rahul Dev, with Ranjit Shetty, i/b Argus Partners, for Respondent
No. 1.

CORAM: G.S. PATEL, J
DATED: 19th January 2018

PC:-

1. This Chamber summons challenges an order dated 28th September 2017 of the Taxing Master holding that the Government Notification dated 1st October 1994 as modified or amended on 23rd March 2000 remitting the court fees payable by a woman litigant does not apply to a suit such as this. Mrs Rane, the Taxing Master, held that in the proposed Suit the prayers are for a declaration of the share of the Plaintiff in the property of her husband and this relief is sought against her late husband's parents. She has also sought possession in the form of a re-transfer to her name of amounts lying in her husband's bank account. She has filed no testamentary

proceeding either for Letters of Administration or for a Succession Certificate.

2. This question has been the subject matter of several decisions of this Court. These are all noted in a recent decision of TV Nalawade J in *Harsha Pradeep Patil v Sayankabai Ragho Patil & Ors.*¹ The Court there clearly held that following the decisions of the Division Bench and other Benches, the benefit of these Notifications is not available to those who file for relief of partition against in-laws, and is limited to the property disputes arising out of matrimonial matters where the wife is the Plaintiff and the Defendant is the husband.

3. I am asked on behalf of the Plaintiff to hold that that matter requires reconsideration. I am unable to do anything of the kind. The law of *stare decisis* holds. These precedents bind me and I am bound by and must follow decisions of Benches of coordinate strength and the Division Benches.

4. The Chamber Summons is dismissed. There will be no order as to costs.

(G. S. PATEL, J)

¹ (2017) Bom CR 86.