

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9420 OF 2019

CHANDRAKANT GANGADHAR GOPHANE
VERSUS
KUSUM SHAM SAPKAL AND OTHERS

Mr.P.R.Nangre, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 31/07/2019

PER COURT :

1. The petitioner is aggrieved by the order dated 15/02/2019 passed by the Trial Court, by which his application Exh.115 seeking rejection of the plaint under Order VII Rule 11 of the CPC in RCS No.18/2012, has been rejected.

2. The petitioner/defendant contends that the suit has not been properly valued. Earlier, a grievance was raised on this issue and that was considered. The plaintiff was directed to cause a proper valuation of the suit. The plaintiff has complied with the said direction. The petitioner is not happy with the compliance of the plaintiff and hence has moved Exh.115 contending that the stamps are not properly deposited and the compliance report at Exh.124 is

also not proper.

3. The Trial Court has recorded that these parties have spent almost 3 years in this suit of 2012 on the issue of whether the suit is properly valued. Nevertheless, the Trial Court has also recorded that a separate issue for considering whether the Court fees are properly deposited has been framed and the said issue will be considered while deciding the suit finally.

4. The Hon'ble Apex Court has held in the matter of Syed Yakoob Vs. K.S. Radhakrishnan and others [AIR 1964 SC 447] and Surya Dev Rai Vs. Ram Chander Rai [(2003) 6 SCC 682] that merely because a second view is possible, would not mean that the High Court should exercise its supervisory jurisdiction. The order must appear to be perverse, erroneous and likely to cause grave injustice to a litigant.

5. In view of the above, this petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)