IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.392 OF 2019
(WASUDEO RAMCHANDRA KALE & OTH...VS.. SHRIKRUSHNA RAMCHANDRA KALE & OTH.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri M. Ateeque, Advocate for Petitioners.

CORAM : Z.A.HAQ, J.
DATED : JANUARY 22, 2019.

Heard.

The defendant Nos. 1 to 3 have challenged the order passed by the trial Court by which the application (Exh.20) filed by them under Section 9-A read with Order VII Rule 11 of the Code of Civil Procedure is dismissed.

By the application (Exh.20), the defendant Nos. 1 to 3 prayed that the plaint be rejected as the claim of the plaintiff is barred by limitation. Alternatively, the defendant Nos.1 to 3 contended that the claim in the civil suit is undervalued by the plaintiff and the plaintiff be directed to value the claim properly and pay deficit court fees.

After going through the impugned order, I find that the learned trial Judge has rightly recorded that the issue of limitation cannot be examined at this stage. As far as objection regarding valuation of the claim in the pliant is concerned, again the learned trial Judge has rightly observed that as the defendant Nos.1 to 3 have not filed any documents on record to show that the market value of the property is

more than Rs.1,50,000/- i.e. more than the valuation disclosed in the plaint, it is not possible for the Court to examine this issue also at this stage.

It cannot be said that the learned trial Judge has committed any illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction. I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. No costs.

JUDGE

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