

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

**APPEAL FROM ORDER NO. 410 OF 2019
WITH
CIVIL APPLICATION NO. 482 OF 2019**

Vakil Ahmed Ibrahim Khan	...	Appellant
V/s.		
Rajkumar Singh & Ors.	...	Respondents

Mr.Dinesh Shah for Appellant.
Mr.Pankaj Thatte for Respondent No.1.

CORAM : A.S. GADKARI, J.

DATE : 14th February 2020.

PC. :

1] The appellant/original defendant No.3 had filed a Notice of Motion No. 923 of 2016 for directing the plaintiff/respondent No.1 to value the suit claim of the property for Court Fees or to refer the matter for proper valuation and for dismissal of the Suit. By the impugned Order dated 7th August 2018 the Trial Court has dismissed the said Notice of Motion.

2] Perusal of plaint would indicate that, in para No.9, the respondent/plaintiff has specifically pleaded that, he purchased the suit property for total consideration of Rs.29,25,000/-. That for filing the suit, the respondent No.1-

plaintiff has valued the Suit claim for an amount of Rs.17,25,000/-. It is thus apparent that, the suit was not properly valued and there is deficit of Court fees on Rs.12,00,000/-. As noted earlier and as per the pleadings of the respondent No.1-plaintiff himself, the value of the suit premises was Rs.29,25,000/-.

3] In view thereof, the respondent No.1-plaintiff is hereby directed to effect amendment in para No.23 of the plaint and to pay deficit Court fees on Rs.12,00,000/-. This be done within a period of two weeks from today.

4] Appeal is accordingly allowed in the aforesaid terms.

5] As the suit filed by the respondent No.1 is of the year 2013, the learned Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai, seized of S.C. Suit No. 132 of 2013 is hereby requested to expedite the hearing of the said Suit and to make an endeavour to conclude the same within a period of 15 months from the date of receipt of the present Order.

6] All the concerned to act on the basis of an authenticated copy of this Order.

7] In view of disposal of Appeal, the Civil Application does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]