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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4043 OF 2017**

Maharaja Jorawarsinghji and
Maharani Chamankuvraba Trust & Ors.] .. Petitioners

V/s.
Ms. Kumud J.C. Barot & Ors.] .. Respondents

Mr.Atul Damle, Senior Advocate a/w Mr.Rupesh Lanjekar, for Petitioners.
Mr.Lakshyaved Odhekar, for Respondent No.1.
Mr.Atul Vanarse, AGP for respondent-state.

CORAM : N.R.BORKAR, J.

DATED : 7TH SEPTEMBER 2021.

P.C.:

1] This Petition takes an exception to the order dated 04.04.2016 passed by the learned 5th Joint Civil Judge, Senior Division, Nashik, below Exhibit 1 in Special Civil Suit No.392/2007.

2] The Respondent herein has filed suit *inter alia* for possession. The objection on behalf of the Petitioners was taken to the valuation of the suit and framing of preliminary issue in that respect was sought. Accordingly, preliminary issue was framed and the trial court answered the said issue in favour of the Respondent.

3] I have perused the application at Exhibit-149, by which a request was made to frame preliminary issue in respect of suit valuation. In the said application, it is not spelt out as to how the valuation is incorrect. It appears that no material was produced before the trial court in support of objection to the valuation.

4] The Petitioners, however, for the first time before this court have produced valuation report of Sub-Registrar. I am not inclined to consider the said report in absence of any reason as to why it was not produced before the trial court.

5] Considering the facts and circumstances, I am not inclined to interfere with the order impugned in the writ jurisdiction. Hence, Writ Petition stands dismissed.

[N.R.BORKAR,J]