

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

CIVIL REVISION APPLICATION NO.20 OF 2021

Madhukar Digambar Chavan Applicant

Vs.

Sou. Sunita Wilson Gaikwad & Anr. Respondents

Mr. Bhooshan R. Mandlik for Applicant.

Coram : NITIN W. SAMBRE, J.

Date : 12TH FEBRUARY, 2021

P.C.:

1. The Applicant initiated Regular Civil Suit No. 76 of 2020 for permanent injunction seeking protection of possession. The Respondents-defendants initiated counter-claim seeking declaration that the sale-deed executed by the Applicant in favour of Defendant no. 2 is not binding on Defendant No. 1.

2 Questioning the maintainability of this counter-claim, the Petitioner moved an application under Order VII, Rule 11 (D) of Code of Civil Procedure alleging that Respondent-Defendant No.1 has undervalued the suit claim.

3 The submissions are, the suit counter-claim should have been valued on the market rate of the suit property in the light of prayer made in the counter-claim.

4 What can be noticed from the observations of the trial Court and the prayer made in the counter-claim that the only relief of declaration of not binding of sale-deed between the Petitioner and Defendant No.2 is made.

5 That being so, the order of rejection of application under Order VII, Rule 11(D) Code of Civil Procedure appears to be justified.

6 No case for interference is made out. The Petition fails, dismissed.

(NITIN W. SAMBRE, J.)