

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.2182 OF 2019
IN
MISC. CIVIL APPLICATION ST. NO.22116 OF 2019
IN
WRIT PETITION NO.8537 OF 2018 (D)

Prakash s/o Mohanlal Shrotri, Rukmini Nagar, Near Gurudwara, Amravati and anr.

-vs-

Asha w/o Rameshwar Sharma, Anup Nagar, Indore (MP) and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. M. Sudame, Advocate for applicants.

CORAM : A. S. CHANDURKAR J.

DATE : November 18, 2021

Heard.

There is no appearance on behalf of the non-applicants.
Considering reasons mentioned in the application, the delay in
filing review application is condoned.

Civil Application is disposed of.

Misc. Civil Application St. No.22116 of 2019

Despite notice there is no appearance on behalf of the
non-applicant No.1.

In Writ Petition No.8537/2018 an order passed below
Exhibit-38 by the trial Court raising a grievance that the plaintiff
had failed to comply with an earlier order dated 23/04/2018 in
the matter of payment of deficit Court fees came to be
challenged. The trial Court had rejected the application at
Exhibit-38 after observing that the plaintiff had deposited the
Court fees as directed by the order passed below Exhibit-15.

The learned counsel for the applicant submits that in paragraph 3 of the order passed in Writ Petition No.8537/2018 it has been observed that even if the contentions of the present applicant as raised in Exhibit-38 were to be upheld, the Court of learned Civil Judge (Junior Division) would continue to have pecuniary jurisdiction. It is submitted that the pecuniary jurisdiction of the said Court is up to Rs.5 lakhs. According to the applicants on a proper valuation of the claim, the jurisdiction of the Court of Civil Judge (Junior Division) would be ousted since pecuniary value involved is more than Rs.5 lakhs. As per the order passed in the aforesaid writ petition the trial Court had been directed to frame an issue with regard to proper valuation of the suit and the amount of Court fees payable by the plaintiff. It is clarified that after conducting such exercise, if the Court finds that the claim that was made in the plaint is beyond the pecuniary jurisdiction of the Court of Civil Judge (Junior Division), the trial Court will be free to take appropriate steps in accordance with law to enable presentation of the plaint in the Court having pecuniary jurisdiction to entertain the suit. With this clarification the Misc. Civil Application is disposed of.

JUDGE