

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 160 OF 2022

BALKRISHNA SHANKARRAO PAWAR
VERSUS
KRUSHNAKUMAR HIRALAL BINANI AND ANOTHER

...
Advocate for Petitioner : Mr. Mukul S. Kulkarni
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10-01-2022

PER COURT :-

This petition is directed against the order below Exhibit-87 dated 10.02.2021 in Special Civil Suit No. 57 of 2016 passed by the learned 5th Joint Civil Judge, Senior Division, Ahmednagar, thereby rejecting the application filed by petitioner under Order VII, Rule 11 of the Code of Civil Procedure, 1908, on the ground that the suit is not valued correctly.

2. Heard learned Advocate for the petitioner.

3. Learned Advocate for petitioner vehemently urged that in view of the ground raised in the application that the suit is not valued correctly, the trial Court ought to have allowed the application. He further submits that the said point ought to have been kept open by the trial Court while rejecting the application.

4. Perusal of the record and the impugned order shows that the said application was filed by the petitioner at the fag end of the trial, when the matter was posted for final arguments. This Court is, therefore, not inclined to interfere in the impugned order passed by the trial Court. Writ petition being devoid merits is dismissed.

5. The petitioner is at liberty to raise the point of valuation of suit in Appeal, in case the suit filed by the plaintiff is decreed.

(NITIN B. SURYAWANSHI)
JUDGE

rrd