

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**APEAL FROM ORDER NO.7 OF 2022  
WITH CA/4437/2022 IN AO/7/2022**

**MANGAL KISHOR KULKARNI AND ORS  
VERSUS  
KISHOR GAJANAN KULKARNI AND ORS**

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Advocate for Appellants : Mr. Arvind S. Deshmukh  
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**CORAM : MANGESH S. PATIL, J.**

**DATED : 28<sup>th</sup> MARCH, 2022.**

**PER COURT :**

1. This is an Appeal under Section 104 read with Order 43 Rule 1(a) of the Code of Civil Procedure by the original plaintiff, being aggrieved by the order dated 5-10-2021 passed by the Trial Court on the application (Exh.72) filed by the original defendant Nos.2 to 6 seeking rejection of the plaint for under valuation under Order 7 Rule 11 and also the order passed on the plaint (Exh.1), refusing to reject the plaint, but directing it to be returned for presentation to a proper Court for want of pecuniary jurisdiction.
2. I have heard the learned Advocate Mr. Deshmukh for the appellants and perused the order under challenge.
3. The appellants are seeking declaration in respect of the sale deed,

the valuation of which exceeds the pecuniary jurisdiction of the Court of the Civil Judge Junior Division in which the suit was filed. Again, it has also been pointed out that, the partition of the house properties was being claimed of which the valuation exceeded pecuniary jurisdiction of the Court.

4. There is no error or illegality committed by the learned Judge, directing the plaint to be returned. There is no merit in the Appeal. It is dismissed.

5. Pending civil application stands disposed of.

**( MANGESH S. PATIL, J.)**