

WRIT PETITION NO.3158 OF 2022

Versus

Mr. Yuvraj S. Choudhary, Advocate for the petitioners.
Mr. Sanket S. Kulkarni, Advocate for respondent No. 1.

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DATE : 16th SEPTEMBER, 2022

ORDER :

1. Order passed by learned Civil Judge, Senior Division, Rahata, below Exhibit-81 in Special Civil Suit No. 75/2019 is questioned in the present petition. By the said order the Trial Court has held that the original plaintiff who has challenged the sale deed and who is not party to the same, is not liable to pay the Court fee.

2. The learned advocate for the respondent has pointed out decision of Division Bench of this Court in Dilip Khushalchand (Srisrimal) Jain & Others Vs. Hardik Deepakbhai Ramani & Ors. (Writ Petition No. 8968/2018), wherein same issue was referred

for consideration i.e. *"what is the court fee payable in regard to a suit for declaration that the sale deed, to which the Plaintiffs are not privy/party is void and not binding on the Plaintiffs, and for consequential relief of injunction?"*

3. The Division Bench has held *"in view of above, answer to the reference is that the court fee payable in regard to a suit for declaration of the sale deed to which the Plaintiff is not a party to the sale deed binding on him and for consequential injunction would be governed by Section 6(iv)(j) of Maharashtra Court Fees Act."*

4. It is therefore, clear that the decision of the Trial Court impugned in the present petition is in line with the above ratio and is therefore correct. No interference is therefore called for in the order impugned in the present petition. The writ petition is therefore, dismissed.

[NITIN B. SURYAWANSHI, J.]