

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4672 OF 2017

Shri. Walchand Manikchand Ingale and Anr. ..Petitioners

Versus

Shri. Shridhar Ananda Pandav and Ors. ..Respondents

Mr. Manoj A. Patil, for the Petitioners.

Mr. Pradeep D. Dalvi, for the Respondent No.1.

CORAM : NITIN W. SAMBRE, J.

DATE : 1st APRIL, 2022

PC.

1. Perused the order impugned passed below Exh.23. The submissions are, in view of pleadings in relation to the cancellation of sale-deed, the suit claim is undervalued and as such, it be liable to be dealt with under the provisions of Order VII Rule 11(b) and (c) of the CPC is rejected by the Trial Court.

2. In the light of law laid down by this Court in the matter of *Shamrao s/o Pandurang Sambare vs. Civil Judge, Senior Division, Nagpur & Ors.* in *Writ Petition No.2057 of 2013, Yeshwanta Vs. Mahdeo* reported in *2011(1) Mh.L.J. 569* and *Writ Petition (S) No.8924 of 2021* in between *Shri. Ganpat @ Ganpati Laxman Devne Vs. Smt. Kasturibai Shankar Devne and Ors.*, the issue is squarely covered.

3. That being so, even if pleadings contain cancellation of the sale-deed, upon perusal of prayer clause in plaint, it is quite apparent that the valuation of the suit claim is very much justified. No illegality is noticed.

4. The petition as such fails, dismissed.

[NITIN W. SAMBRE, J.]