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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 1461 OF 2021

Nvaroj Rahimtulla Sargur ... Petitioner
Versus
Sou. Gulroja Ahmed Sayyad and Anr. ... Respondents

Mr. Abhijit M. Adagule for the Petitioner.
None for the Respondents.

CORAM: ROHIT B. DEO, J.
DATE : 11st JULY, 2022

P.C. :-

. Assuming that the plaint is under valued and Court fee is not paid, the petitioner - defendant sought rejection of the plaint.

2. The learned Trial Judge has not obliged. The learned Trial Judge reasons that the application is premature since there is no adjudication by the Court and no direction is issued to the plaintiff to pay Court fee. It is rightly observed that only if the plaintiff does not comply with such direction, that the plaint can be rejected. The question of valuation is left open.

3. I see no reason to interfere with the order impugned, which in any event does not suffer from any infirmity.

4. Petition is dismissed.

[ROHIT B. DEO, J.]