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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 5530 OF 2017**

SHANIBAI JANYA MHATRE AND ORS

....PETITIONERS

V/s.

M/S. JASA LUMBAJI AND CO.
THROUGH ITS PARTNER

.....RESPONDENT

Mr. Sandesh Patil a/w Chintan Shah i/b Prithviraj S. Gole advocate
for the Petitioner

Mr. A. R. Pitale for Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: JANUARY 28, 2022.

P.C.:

1) Heard respective counsel. I am informed by the counsel for Respondent-Plaintiff that the order dated 17th March 2016 passed by 7th Jt. Civil Judge Senior Division Thane is already complied in part, in sense, amendment to the Plaint is already carried out. He submits that he be granted liberty to approach the Taxing Officer/Officer who is empowered to carry out the valuation of the Suit property so that he will be in a position to pay appropriate Court fees as ordered under the said order dated 17th March 2016.

- 2) Submission appears to be quite reasonable.
- 3) In view of above, by consent, order impugned dated 18th March 2017 passed by District Judge – 6, passed in M.C.A. No. 133/2016 is hereby quashed and set aside.
- 4) Similarly, order dated 26/04/2016 is ordered to be kept in abeyance until Suit valuation is placed before the Trial Court and Respondent-Plaintiff complies with the said order of payment of deficit Court fees.
- 5) Respondent-Plaintiff shall approach the Taxing Officer/Officer who is empowered to carry out valuation of the Suit property within period of two weeks from today and said Officer shall decide the valuation of the Suit claim within period of two weeks thereafter. Respondent-Plaintiff is granted time of 4 weeks thereafter to pay deficit Court fees, failing which order dated 26/04/2016 rejecting the Suit shall govern the Suit proceedings.
- 6) Petition stands partly allowed in the above terms.

[NITIN W. SAMBRE, J.]

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