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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 22 OF 2022

MRS. SHAIKH YASMEEN KAUSARPETITIONER
NADEEM AHMED ALIAS YASMEEN
D/O. Amir BUX RAHIM

V/s.

KHAN SUFFIYAN SHAMSHUDDINRESPONDENTS
AND ANR

Mr. Avinash Naikwadi for the petitioner
Mr. Pramod Bhosle i/b Ms. Devika Nigade for respondent no. 2

CORAM : NITIN W. SAMBRE, J.

DATE: JANUARY 10, 2022.

P.C.:

1] Perused the order impugned. In the Suit preferred by the Petitioner, learned City Civil Court and Sessions Court, Dindoshi directing the Petitioner-Plaintiff to pay deficit court fees as per Section 6(v) of the Maharashtra Court Fees Act as applicable on the date of the Suit paid @ Rs. 28,62,300/-.

2] Valuation is carried out by the Dy. Registrar of the said Court is considered while passing impugned order and such valuation tendered by the Deputy Registrar on 17/01/2020 is reproduced at page 71. Valuation is based on the ready recknor rates prescribed for the year 2018 i.e. not on the date of filing of the Suit. As such, there appears to be error apparent on the face of record in the matter of valuing Suit property for the purpose of payment of Court fees.

3] In that view of the matter, in view of consent extended by counsel for Respondent-Defendant, the order impugned passed below Exh. 1 on 08/11/2021 is hereby quashed and set aside.

4] Civil Court is directed to consider the valuation tendered by the Deputy Registrar afresh as to whether valuation has to be of 2018 or on the date of filing of the Suit and if so desire, shall call for fresh valuation of the suit claim. Parties hereto are at liberty to file their objection to the valuation so tendered afresh and Civil Court shall pass appropriate orders in the matter after hearing the parties.

5] Needless to clarify that this Court has not gone into merits of the matter.

6] Petition stands partly allowed in the above terms.

[NITIN W. SAMBRE, J.]