

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 6212 OF 2019

Smt. Sumanbai wd/o Uttamrao Mohod
Vs.
Satish s/o Shaligram Mohod

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. V.G. Bhamburkar, Advocate for petitioner.
Mr. P.S. Kshirsagar, Advocate for respondent.

CORAM : MANISH PITALE J.

DATE : 13.07.2022.

By this writ petition, the petitioner i.e. original plaintiff has challenged order dated 11.07.2019 passed by the Court of Joint Civil Judge Senior Division, Akot, whereby, in an application filed under Order 7 Rule 11 of the Code of Civil Procedure, 1908, by the respondent i.e. original defendant, the aforesaid Court has directed the petitioner to value the suit as per valuation reports of the suit property produced by the defendant on record.

2. While issuing notice, this Court had granted ad-interim stay, which has been in operation.

3. The principal contention raised on behalf of the petitioner is that there were valuation certificates obtained from the Sub-Registrar, giving valuation of the four properties that were subject matter of the suit filed by the petitioner. Instead of taking the said valuation certificates into consideration, the Court below directed valuation of the suit on the basis of valuation reports placed by the defendant on record.

4. The aforesaid contention was resisted on the part of the respondent.

5. This Court has perused the copies of the valuation certificates issued by Sub-Registrar for the four suit properties. There appears to be no reason to doubt the valuation stated in such certificates, as the same are issued by the Office of the Sub-Registrar at Telhara, taking into consideration the area of the landed properties and their status. Therefore, this Court is convinced that the impugned order deserves to be modified appropriately.

6. In view of the above, the petition is partly allowed and the impugned order is modified by directing that the valuation of the suit shall be ascertained on the basis of four valuation certificates

placed at Pages 46 to 49 in the present petition, issued by the Office of the Sub-Registrar, Telhara. The Court below to proceed accordingly.

7. A submission was made on behalf of the petitioner that being a lady now dependent on others, for her survival, she would find it difficult to proceed further in the matter on the basis of valuation. The subject matter of the present writ petition does not concern the aforesaid aspect of the matter. Therefore, it would be open for the petitioner to take such steps as available in law in that regard. If any such proceedings initiated, it shall be decided in accordance with law.

8. Considering that the petitioner is a senior citizen and woman, the Court below to make an endeavour to dispose of the suit expeditiously.

JUDGE