

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CRA NO.114 OF 2023

KEDARI NARSINGH AUTADE AND OTHERS
VERSUS
GAYATRI SHANKAR AUTADE GAYATRI SANTOSH BHISE AND ANOTHER

...
Advocate for Applicants : Mr. Lavte A. V.

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10/08/2023

PER COURT :

Heard the learned Advocate for the applicants.

2. The learned Advocate for the applicants submits that in a suit filed for partition and injunction by the respondent No.1, it is nowhere contended as to what is the exact nature of her share in the suit property, and therefore, the Court fees paid is insufficient.

3. The learned Trial Court has categorically pointed out that the respondent No.1/ plaintiff is claiming share as widow of the deceased Shankar, who was the coparcener of the defendants' family. In the claim, the plaintiff did not mention her exact share in the suit property, but in para No.1 of the plaint, it is clearly mentioned that plaintiff is

admitting that, in all five persons are entitled to get the share, and accordingly, it is observed that the plaintiff is supposed to pay the Court fees as per her share. The plaintiff has paid Court fees of Rs.8430/- by presuming her entitlement of 1/4th share. Suit is valued to the tune of Rs.8,01,000/-, and the plaintiff has paid Court fees of Rs.8430/-, plaintiff has paid sufficient court fees in the matter.

4. I see no error in the order passed by the Trial Court. In view of the same, the present civil revision application is dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.