

VRJ

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

WRIT PETITION NO.7299 OF 2022

VAIBHAV
RAMESH
JADHAV
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Vitthal Padoba Mokashi

... Petitioner

V/s.

Kisan Anyaba Marathe & Ors.

... Respondents

Mr. Rajesh S. Datar i/by Mr. Akshay J. Kandarkar for
the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 13, 2023

P.C.:

1. Defendant No.13 in a suit for partition raises an objection under section 8 of the Maharashtra Court Fees Act, 1959.
2. According to the petitioner, considering the reliefs claimed in the suit namely partition of agricultural land, only factor which needs to be decided by the Court for the purpose of valuation of the suit for the Court Fees is to ascertain whether the suit properties are agricultural land assessed to land revenue. Prima facie material on record indicates that the suit properties are agricultural lands assessed to land revenue. Therefore, payment of Court fees as per section 6(vii) read with (v) of the Maharashtra Court Fees Act, 1959 appears to be in accordance with law.
3. In so far as reliefs in terms of prayer clauses (d) and (e) are concerned, it appears that plaintiff was not party to the said

conveyances. Therefore, in view of the judgment in the case of **Dilip Khushalchand (Srisrimal) Jain and Others vs. Hardik Deepakbhai Ramani and Others** reported in 2023 (3) ABR 672 the valuation of the Court Fees under section 6(iv)(ha) of the Maharashtra Court Fees Act, 1959 is not required to be made. Hence, the impugned order passed by the Trial Court does not suffer from error of jurisdiction.

4. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)