

SA Pathan

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

CIVIL REVISION APPLICATION NO.167 OF 2016

Rahul Bhiku Gaikwad & Ors.	... Applicants
V/s.	
Madhukar Rambhau Kalbhor & Ors	... Respondents

Mr. Rahul S. Kadam, for applicant.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 25, 2023

P.C.:

1. Applicants are original defendants whose application under Order 7, Rule 11(a) of the Code of Civil Procedure, 1908 has been rejected by the impugned order.
2. According to the applicants, the valuation of the suit property far exceeds the valuation made in the plaint. However, such objection cannot be subject matter of application under Order 7, Rule 11 of the Code of Civil Procedure, 1908 as it is for the Court to adjudicate the point of valuation. After the Court decides on the point of valuation and if the Court directs the plaintiff to bring the suit in accordance with provisions of either Suit Valuation Act, 1887 or the Maharashtra Court Fees Act, 1959, non compliance with such directions will give right to file application under Order 7, Rule 11 of the Code of Civil Procedure, 1908. Without such direction against plaintiff to value the property in

accordance with law and its non compliance, the application under Order 7, Rule 11 of CPC has been rightly rejected by the Trial Court; hence, there is no error of jurisdiction.

3. The civil revision application is, therefore, dismissed. No costs.

4. Needless to state that if applicants made such application raising dispute about valuation of the suit property, the Trial Court shall decide the suit uninfluenced by observations made in the present order and in the impugned order on its own merit.

(AMIT BORKAR, J.)