

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9449 OF 2015

Kausalya Jaibhagwan Agarwal and another ... Petitioners

Versus

Ashok Haribhau Bhadale and others ... Respondents

.....

Mr. Pratap Patil for the Petitioners.

Mr. Uday Nighot for Respondent No.1.

.....

CORAM : N.R. BORKAR, J.

DATED : 6 JUNE 2023

P.C. :-

. This Petition takes exception to the order dated 2 May 2015 passed by the learned 18th Joint Civil Judge, Junior Division, Pune below Exhibit-1 in R.C.S. No.1400 of 2009.

2. The Respondent No.1 herein has inter-alia filed a suit for declaration, that the sale-deed dated 2 May 2009 executed by Respondent Nos.2 to 7 in favour of Petitioners and Respondent No.8 is not binding on him. The suit for that purpose was valued at Rs.1000/-. The Petitioners herein filed an application at Exhibit-55 contending that as the sale consideration was Rs.5,81,40,000/-, the suit ought to have been valued accordingly and if this is so, then Civil Court (Junior Division) has no jurisdiction to entertain the suit. On the basis of the said application filed by the Petitioners two preliminary issues in relation to valuation and jurisdiction were framed.

3. The learned trial Court by the impugned order, has held that the suit is properly valued and accordingly, the issue of jurisdiction was answered.

4. The issue involved in the present Petition is covered by the Judgment and Order passed by this Court dated 5 May 2022 in Writ Petition No.8968 of 2018. In the said Judgment, this Court has held that the declaration of the sale deed to which the Plaintiff is not a party to the sale deed would be governed by Section 6(iv)(j) of the Maharashtra Court Fees Act and not by Section 6(iv)(ha). In that view of the matter, no interference is called for in the impugned order. Thus, Writ Petition is dismissed.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2023.07.10
14:19:18 +0530