

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

CIVIL REVISION APPLICATION NO. 113 OF 2023

K. R. Enterprises & Ors.

..Applicants.

Versus

Fortune Developers

..Respondent

**WITH
INTERIM APPLICATION NO. 1863 OF 2023
IN
CIVIL REVISION APPLICATION NO. 113 OF 2023**

Mr. Makarand V. Raut for Applicants.

Mr. Kaustubh Thipsay for Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 23 MARCH 2023

PC :

1. This Civil Revision Application can be disposed of because learned counsel for both the parties agreed that it can be disposed of in terms of Consent Minutes of Order. The Consent Minutes of Order are taken on record. It reads thus:

“1. The Impugned Order dated 06/03/2020 passed in the Notice of Motion No.2092 of 2019 in Suit No.1122 of 2019 is by consent set aside to the extent of findings in para 23 of the Impugned Order, regarding pecuniary jurisdiction and valuation of the suit claim.

2. The trial court is directed to decide the issue regarding inadequate and improper valuation of suit as raised in clause No.4 of the Affidavit in Support of Notice of Motion dated 04/06/2019.
3. The Trial court is directed to hold an inquiry regarding the valuation of the suit claim and court fees payable in the suit.
4. The Trial Court is directed to hold an inquiry regarding whether the suit claim is required to be valued as per Sec 6(iv)(d) of The Maharashtra Court Fees Act, 1959 and regarding the court fees payable on the suit claim.
5. The Defendants upon instruction do not challenge the objections raised regarding the jurisdiction of the small causes court and limitation as stated in clause 3 and 5 respectively of the Affidavit in Support of Notice of Motion dated 04/06/2019.
6. The parties are at liberty to appear before the trial court for hearing on the issue regarding the valuation of the suit claim and the court fees and monitory jurisdiction of the trial court.
7. The parties are at liberty to file additional affidavits and documents in support of their case.
8. In case the trial court comes to the conclusion, that the suit is not properly valued or insufficient court fees are paid, the Plaintiff is at liberty to make the necessary application for amendment of the plaint for valuation of the suit claim and payment of

court fees.”

2. The Civil Revision Application is disposed of in terms of Consent Minutes of Order.
3. All the companion applications are also disposed of.

(SARANG V. KOTWAL, J.)