

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO. 94 OF 2023

Vijaya Kashinath Awasarmol thr POA and ors__ Vs. __Yamunabai Sukhdeo
Awasarmol and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.A.Mohta, Advocate for applicants

CORAM : AVINASH G. GHAROTE, J.

DATE : 04/08/2023

1] The revision challenges the order dated 20.4.2023 passed by the learned Trial Court, by which the application for rejection of the counter claim under Order 7 Rule 11(b) of CPC has been rejected.

2] A perusal of the counter claim (Pg.42) would indicate that it seeks partition of agriculture land, considering which the Court fee would be levyable on the land revenue. There is nothing in the counter claim to indicate what is the land revenue, in view of which the rejection of the application based upon the averments in the counter claim clearly appears to be justified. I therefore do not see any reason to interfere in the impugned order. The revision is dismissed. No costs.

3] Needless to mention that upon evidence being led and in case material is brought on record regarding the valuation, it would then be open for the

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applicant to raise the plea regarding deficit Court fee at that stage.

JUDGE

Rvjalit