

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL REVISION APPLICATION NO. 43 OF 2022

GURUMUKHDAS LALIRAM NAGDEVE

...VERSUS...

PRAVIN VITTHALRAO KUNDANWAR AND ORS.

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

Court's or Judge's order

Shri A.A.Dhawas, Advocate for applicant.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 13th FEBRUARY, 2023

The present Civil Revision Application is filed being aggrieved by the order dated 08/10/2021 passed below Exh. 23 by the learned Civil Judge, Junior Division, Desaijanj in Reg. Civil Suit No. 06/2020.

2. The applicant herein who is defendant no. 4 in the suit bearing Reg. Civil Suit No. 06/2020 had filed an application before learned Trial Court for rejection of plaint under Order VII, Rule 11 of the Civil Procedure Code (in short, "C.P.C.") on the ground that suit is under valued. The learned Trial Court after considering the contentions of the parties, rejected the application filed under Order VII, Rule 11 of C.P.C. on the ground that the suit is properly valued.

3. On perusal of Order VII, Rule 11 of C.P.C., the plaint can be rejected only after the Court comes to the conclusion that the suit is under valued and direct the plaintiff to deposit the deficit Court Fee within stipulated period. If the plaintiff on being required by the Court

to supply the requisite stamp paper within stipulated time, fails to do so, there would be the defendant who can invoke provisions of Order VII, Rule 11 of C.P.C. As he is, without filing any application, raising objection to the valuation, the application for rejection of plaint under Order VII, Rule 11 of C.P.C. is not maintainable. The ground taken by the learned Trial Court for rejecting the application in the order passed below Exh. 23 is just and proper and hence, no interference is warranted. As such, the application stands dismissed.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar