



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

WRIT PETITION NO.5776 OF 2018

Namdeo Keshao Gumgaokar, through LRs .Vs. Anand Laxman Vairagade and
another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Nitin Lalwani, Advocate for the petitioner.

Shri Saurabh Singha, Advocate for the respondents.

CORAM : ANIL S. KILOR, J.

DATED : 21/08/2023

1. Heard.

2. The preliminary issue as regards jurisdiction on the ground of under valuation of the suit came, held against the petitioner by holding that the petitioner failed to prove the suit is under valued. The said order dated 10.01.2018, is under challenge in this writ petition.

3. After going through the record and the impugned order, it is evident that, the case of the petitioner is based on a certificate Exh.22 which relates to a valuation of the house situated on Sheet No.188/420.

4. The learned trial Court has held that the petitioner though filed such certificate but failed to prove that the suit house is situated on Sheet No.188/420.

5. Even before this Court no evidence is brought on record to show that the suit house is constructed on City Survey No.188/420.

6. Accordingly, I do not find any error committed by the learned trial Court, the writ petition is **dismissed**.

JUDGE