



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 WRIT PETITION NO. 849 OF 2023

PATLOBA MADHAVRAO MUNDE AND OTHERS
VERSUS
PRANAV SURYABHAN WANGE AND OTHERS

Mr. A. A. Nimbalkar, Advocate for the petitioners
Mr. V. S. Bedre, Advocate for respondent no.1.

CORAM : R. M. JOSHI, J.

DATE : 27th NOVEMBER, 2024

PER COURT :-

1. After hearing learned counsel for both sides for substantial time, learned counsel for the petitioners, on instructions, seeks modification of issue no.3 which was framed vide Exhibit 43 in R.C.S. No. 55/2016. At his request, the said issue no.3 is modified as under:

“Whether the plaintiff proves that, sale-deed bearing nos. 3106, 3107, 3108, 3109 dated 01/08/2003 executed by defendant nos.1 to 3 in favour of defendant nos. 6 to 8 are null and void for the reason that there was no legal necessity.”

2. As far as the issue is sought to be framed by the petitioners in respect of the jurisdiction of the Court to entertain the suit is concerned, additional issue framed by the learned Trial Court by impugned order dated 21/10/2022 clearly takes care of the apprehension

of the petitioners with regard to the jurisdiction of the court. It is pertinent to note that there is dispute between the parties with regard to the proper valuation of the suit. In the light of this dispute, the Trial Court has rightly framed following issues:

“Whether the suit is properly valued and requisite Court Fee paid by the plaintiff?”

3. There cannot be dispute about the position of law that the issues can be framed/reframed at any stage of the proceeding. The issue of the jurisdiction of the Court would only arise after the finding is recorded by the learned Trial Court on the above issue. Needles to say that if the Trial Court finds the valuation of the suit to be beyond the pecuniary jurisdiction, the Trial Court would have to consider the aspect of its jurisdiction to entertain suit, and after hearing the parties to pass appropriate order in this regard.

4. Learned counsel for the respondents seeks expeditious disposal of the suit. Learned counsel for the petitioners record no objection for the same.

5. In view of the above, petition stands disposed of. Trial Court is directed to decide the suit within a period of six months from today.

(R. M. JOSHI, J.)

ssp