



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3785 OF 2024

Khatib Mohammad Siddiqui Mohammad Yusuf

VERSUS

Salim Sadroddin Khatib And Others

Mr. Uttam Telgaonkar and Nitin Telgaonkar, Advocate for petitioner

CORAM : R. M. JOSHI, J.

DATE : 29th NOVEMBER, 2024

PER COURT :-

1. Petitioner here is defendant in suit. He has filed objection before the trial Court in R.C.S. No.17/2023 with regard to the pecuniary jurisdiction of the said Court to try and entertain the suit. Thus, an application was moved under Order VII Rule 10 of C.P.C. for return of the plaint.

2. Learned trial Court after considering the subject matter of the suit and the valuation of the suit property has recorded findings that the suit property is agricultural land and revenue assessable property. It is held that the revenue assessment is Rs. 10.35 and in case of relief of

possession thereof, the valuation of suit would be 80 times of the revenue assessment i.e., Rs. 828/-. It is thus held that the Court has pecuniary jurisdiction to entertain the suit.

3. Learned counsel for the petitioner submits that even in respect of an agricultural land and possession thereof, market value of the land is required to be considered to know revenue assessment. He was unable to show any binding precedent to indicate so. He however, places reliance on ***Pushparaj Surajprasad Modh Versus Sayyad Altaf Sayyad Wazir & Ors 2000(4) ALL MR 831*** to support his submissions.

4. There is no dispute about the fact that the suit property is agricultural land and Section 6(V) of Maharashtra Court Fees Act, applies to the instant case. Learned trial Court has taken into consideration the nature of the suit property and it is held that in respect of agricultural and revenue assessable property, the revenue assessment would be relevant for the purpose of valuation of the suit. Since, the possession of the agricultural land is sought would be 80 times of such revenue assessment, this court finds no perversity in the said findings recorded by the learned trial Court. The judgments relied upon by the counsel for the petitioner cited supra of the coordinate bench does not deal with this

issue. The issue involved therein was as to the valuation of the suit depending upon nature of relief claimed. As such, this judgment does not help the petitioner in any manner whatsoever.

5. Having regard to the afore stated facts, there is no merit in the challenge to the impugned order. Hence petition stands dismissed.

(R. M. JOSHI, J.)

bsj