



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

910 WRIT PETITION NO. 6113 OF 2024

RAMKRUSHNA MURLIDHAR GHULE

VERSUS

SHANKUNTALA KANTILAL GANDHI AND ANOTHER

...

Advocate for the Petitioner : Mr. Dixit Satyajeeet S.

...

CORAM : R. M. JOSHI, J.

Dated : June 25, 2024

PER COURT :-

1. This petition takes exception to the order dated 16/02/2024, passed by Civil Judge, Senior Division, Sangamner, in Regular Civil Suit No.460/2016 whereby the plaintiff is directed to pay Court fees on the market value of the suit property.
2. Learned Counsel for the petitioner/ plaintiff submits that the no objection to the valuation of the suit property was raised during the pendency of the suit and by impugned order, the learned Trial Court has directed plaintiff to pay the Court fees on the market value on the suit property. It is his submission that before passing such order, an inquiry is mandatory in view of Section 8 of the Maharashtra Court Fees Act. It is his submission that before passing impugned order, the plaintiff was not heard nor any inquiry was done.
3. As far as the impugned order is concerned, the subject matter of valuation of the suit property in between the Court and plaintiff, as

such the respondents /defendants would not be aggrieved if this petition is entertained in their absence. Notice to respondents therefore is dispensed with.

4. Perusal of the record indicates that there is no inquiry conducted by the Court in order to come to the conclusion that the valuation of the suit property is not correct. Thus, this Court finds prima facie substance in the contention of the learned Counsel for the petitioner that any order passed on the subject without compliance of Section 8 of the Maharashtra Court Fees Act cannot sustain. Having regard to these facts, the impugned order is set aside.

5. It is however open for the learned Trial Court to decide the issue of valuation of the suit property after giving opportunity of hearing to the plaintiff. Needless to say that the said issue be decided in accordance with law, more particularly keeping in mind provisions of Section 8 of the Maharashtra Court Fees Act.

6. The petition stands allowed in bove terms.

(R. M. JOSHI, J.)

vj gawade/-.