



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

6 WRIT PETITION NO. 9343 OF 2024

**PURUSHOTTAM SOPAN BAVDANKAR
VERSUS
SRIDHAR RAJARAM SONAVANE AND OTHERS**

...
Advocate for the Petitioner : Mr.J.M.Murkute

...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 02.09.2024**

P.C. :

1] Heard the learned counsel for the petitioner. The learned counsel for the petitioner submits that the petitioner – defendant no.2 filed an application under Order VII Rule 11 (d) of Civil Procedure Code for rejection of the plaint. The learned counsel for the petitioner submits that the suit filed by the plaintiff is wrongly valued and for that purpose necessary court fees is required. The learned counsel for the petitioner further submits that the suit is barred of limitation and as such should have been rejected.

2] No prayer as regards the deficiency of court fees was made before the trial Court under Order 7 Rule 11 of the Civil Procedure Code. The trial Court has held that the plea raised by defendant no.2 regarding limitation is a question of fact and law and it should be determined only

on the basis of the evidence. The petitioner is at liberty to raise all his defence in his written statement. The Civil Court to decide the same in accordance with law. The Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC