

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

38 CRA NO. 42 OF 2024

**SHAIKH IKRAMODDIN MOINUDDIN DEVNIKAR
VERSUS
SHAIKH AINODDIN MOINODDIN DEVNIKAR (SINCE
DECEASED THR. L. RS.) AND OTHERS**

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Mr. G.R. Syed, Advocate for the applicant.

Mr. M.S. Choudhari, Advocate for respondent No.1-A.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 12 AUGUST 2024.

ORDER:-

1. Heard rival submissions.
2. It appears that the learned trial Court i.e. 2nd Joint Civil Judge, Junior Division, Udgir has rejected the application of defendant Nos.1,2 and 7 filed for rejection of the plaint as per order VII Rule 11 (b) of the Code of Civil Procedure involving question of valuation of the suit property, only on the ground that the defendants had not produced on record proper valuation certificate of the suit property i.e. plot out of Survey No. 7/A at Nideban.
3. The learned Counsel for the applicants submits that these applicants defendants by producing the correct valuation report in respect of the suit property had claimed review of this order before the learned trial Court, but the same has been

dismissed on the ground of maintainability. Anyhow, the correct valuation report in respect of the suit property is now on record before the learned trial Court and therefore, on the basis of the same, the issue involved in this application can be re-heard on its own merit. The learned Counsel for the respondent/plaintiff Nos.1A to 1C submits that the defendants are playing delaying tactics. However, considering the fact that the impugned order was passed in absence of valuation certificate of the suit property, the learned trial Court can be directed to rehear the matter in time bound manner.

4. In view of the same, the impugned order dated 14.02.2023 passed below Exh.50 in R.C.S. No. 606 of 2017 is hereby set aside and the learned trial Court is directed to decide the application (Exh.50) afresh on its own merits by considering the valuation report of the suit property filed by these defendants alongwith their disposed of review application (Exh.78), within two months. The respondents/plaintiffs are at liberty to argue as to how the new valuation report is not applicable for the purpose of computing court fee.

5. The Civil Revision Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)