

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8475 OF 2024

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV
RAMESH JADHAV
Date: 2024.06.15
12:04:56 +0530

Somnath Muralidhar Sangle & Ors. ... Petitioners

V/s.

Shankar Ananda Sangle
Deceased Through Heirs & Ors. ... Respondents

Mr. Sachin Gite for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : JUNE 14, 2024

P.C.:

1. On an application under Order 7 Rule 11 of the Civil Procedure Code, 1908, the Trial Court has directed the plaintiffs to deposit requisite court fee stamp and correct valuation. Prima facie, such exercise could have been carried out on an application under section 8 of the Bombay Court Fees Act, 1959. Power under Order 7 Rule 11 of the Civil Procedure Code, 1908, could have been exercised either to reject the plaint or to reject the application.

2. Hence, considering the nature of the order passed, issue notice to the respondents, returnable on **26 July 2024**.

3. Till 26 July 2024, the impugned order shall remain stayed.

(AMIT BORKAR, J.)