

Division, Kolhapur. Application below Exhibit “37” is filed by Defendant Nos.3 and 4 under Order VII Rule 11(b) of the Code of Civil Procedure, 1908 *inter alia* with respect to valuation of the Suit property by the Plaintiff and in that view of the matter, the prayer for partition of the Suit property to the extent of 3/4th share of the Suit property as made by the Plaintiff. The learned Trial Court has allowed the Application and held that the Plaintiff failed to value the suit and to pay proper Court fees as per Section 6(iv)(ha), (v) and (vii) of the Maharashtra Court Fees Act, 1959.

4. On perusing the impugned order and hearing Mr. Arjunwadkar, an arguable case has been made out by Mr. Arjunwadkar for issuance of notice in both proceedings, viz. Writ Petition as well as Civil Revision Application.

5. Hence, issue notice to the Respondents. Humdast permitted.

6. In addition to Court notice, Petitioners / Applicants are permitted to serve a copy of the Writ Petition / Civil Revision Application and this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

7. After receiving notice, Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply on or before

the next date, if so desired.

8. It is clarified that, this Writ Petition and Civil Revision Application shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.

9. Respondents are directed to remain present in Court on the next adjourned date either by themselves or through Advocate.

10. Stand over to **18th September 2024.**

[MILIND N. JADHAV, J.]

Ajay

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