

Before : Sachin B. Bhansali
Prothonotary and Senior Master

Date : 13th November, 2024

FOR HEARING AND FINAL DISPOSAL :

14. CHOL/103/2024) Mr. S.L. Shah, Advocate for the Plaintiff / Applicant
IN)
S(L)/9334/2023)
) P.C. : Perused Chamber Order, Affidavit in support of
) Chamber Order, records and proceedings of the
) rejected Suit (L) 9334 of 2023 and Office Report
) dated 06.08.2024.
)
) Para No. 29 of the Plaint is reproduced hereunder ;
)
) “xxxx
) 29. The Plaintiffs say that after taking into
) consideration the value of their share in the
) Suit property, they have paid the maximum
) court fees of Rs. 3,00,000/-. The Plaintiff
) state that each Plaintiff has a 1/11th share in
) the suit property. The Plaintiffs have not
) ascertained the current market value of
) property approx share of Plaintiff in the
) property is more than 4.5 crores.”
)
) Master (Adm.), Suit Board Department, has
) specifically stated in his Report as follows ;
)
) “xxxx The Ld. Advocate for Plaintiff made
) the handwritten correction on 16.02.2024 in
) para 29 of the said Plaint, after the
) publication of Notice dated 16.01.2024 and
) the Notice to that effect was also published
) on 22.01.2024 on the High Court website
) xxxxx
) It appears from the Presentation Form
) annexed to the Plaint by the Advocate for
) Plaintiff that the Suit is valued at Rs. 10

.... Continued

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: 2 :

) *Crores and therefore, the said Complaint is*
) *required to be transferred to B.C.C.C. due to*
) *enhancement of Pecuniary Jurisdiction.”*
)

) In view of above, valuation of the Suit as per
) Presentation Form and Para 29 of the Complaint appears
) to be less than Rs. 10 crores. Further, Suit has
) already been disposed of due to non compliance of
) office objections. Therefore, present Chamber Order
) cannot be entertained by this Authority.
)

) Ld. Advocate appearing for Plaintiff submits that he
) may be allowed and permitted to withdraw present
) Chamber Order with liberty to file appropriate
) proceedings before the Bombay City Civil Court for
) restoration of captioned Suit.
)

) In that view of the matter, present Chamber Order is
) disposed of. Plaintiff to file appropriate proceedings
) before the Hon'ble City Civil Court for restoration of
) the caption Suit in accordance with law subject to law
) of limitation. No order as to costs.

Date : 13.11.2024

Prothonotary & Senior Master