



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6966 OF 2019

(Sou.Ratnamala w/o Digambar Borghate vs. Shir Rupchand s/o Krishnarao Gharade)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of direction,
and the Registrar's orders.*

Court's or Judge's order

Mr. B.M.Kharkate, Advocate for the petitioner/s.
Mr. C.S.Dongare, Advocate h/f Mr. S.S.Dhengale, Advocate for the
respondent/s.

CORAM : ABHAY J. MANTRI J.

DATE : SEPTEMBER 23, 2024

Petitioner/original plaintiff assailing the order dated 24/06/2019 passed below Exh.13 by learned 21st Joint Civil Judge Senior Division, Nagpur in Regular Civil Suit No.815/2017, whereby directed to the petitioner/original plaintiff to revalue the suit with respect to the relief for possession according to the market value of the suit property in terms of Section 6(v) of the Maharashtra Court Fees Act.

2) Learned counsel for the petitioner submitted that the learned trial Court has erred in directing the petitioner/original plaintiff to revalue the suit property in terms of Section 6(v) instead of assessing the valuation as per Section 6(d) of the Maharashtra Court Fees Act.

3) However, during the argument, the learned Counsel for the petitioner has failed to satisfy this Court as to how the provisions of Section 6(d) are applicable to assess the valuation of the Suit. On perusal of the plaint and prayer clause in the suit, it clearly appears that the plaintiff is claiming the relief of possession of the house property and therefore, in my view, the

learned trial Court, by detailed order, has rightly directed the petitioner to revalue the suit property and pay Court Fees to the market value of the suit property in accordance with Section 6(iv) of the Act. Hence, I do not find substance in the contentions of learned Counsel for the petitioner that the impugned order is passed contrary to the provisions of the law; rather, it seems that the order is just and proper and no interference is required in it in the writ jurisdiction.

4) As a result, the petition is bereft of any merits and hence stands dismissed.

(ABHAY J. MANTRI, J.)

KOLHE