



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR
WRIT PETITION NO.3599 OF 2024**

Vinod R. Kuchewar ...Petitioner
Versus
1. Shrikant J. Pandile
2. Prashant J. Pandile
3. Sou. Vanita J. Pandile
4. Jairam D. Pandile ...Respondents

Mr. S.S. Godbole for the Petitioner.

CORAM : N. R. BORKAR, J.
DATE : 18 JUNE 2024.

PC:-

1. This petition takes exception to the order dated 8.2.2024 passed by the Civil Judge (Junior Division), Maregaon, Dist. Yavatmal below Exhibit-77 in Regular Civil Suit No. 12 of 2016.

2. The respondent Nos.1 to 3 herein are the original plaintiffs. They have filed the suit for declaration, partition and injunction. One of the prayers in suit is that the Sale Deed dated 16.2.2016 in relation to land bearing Gat No.122 ad-measuring 0.85 HR in favour of the petitioner, who is defendant No.2 in the suit, is not binding on them.

3. The learned counsel for the petitioner submits that as there is a challenge to the Sale Deed in the suit it ought to

have been valued as per the market value mentioned in the Sale Deed, which according to the learned counsel for the petitioner is Rs.8,50,000/-. It is submitted that as the pecuniary jurisdiction of Civil Judge (Junior Division), where the suit is presently pending, is upto Rs.5,00,000/- and therefore, an application was moved for transfer of the suit to Civil Judge (Senior Division). It is submitted that the same is erroneously rejected by the order impugned.

4. I have perused the order impugned. To reject the application, the trial Court has relied upon the judgment of this Court in ***Niraj N. Valle vs. Vijaya N. Valle & Ors.***¹ and ***Dilip Khushalchand (Srisrimal) Jay & Ors. vs. Hardik D. Ramani***². It is not shown that the trial Court has wrongly relied upon the said judgment to reject the application and the issue involved is not covered by the said judgments. No interference is thus called for in the impugned order. Hence, the Petition is dismissed.

(N.R. BORKAR, J.)

1 2017(5) ALLMR 352

2 Writ Petition No. 8968 of 2018 decided on 5.5.2022 (Aurangabad Bench)

