



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

960 WRIT PETITION NO. 2130 OF 2024

1. Sumant S/o Vasantryao Dube
Age : 72 years, Occu : Agril
2. Uttam S/o. Pandurang Jadhav
Age : 65 years, Occu : Agril
3. Pratap S/o. Vithalrao Jadhav
Age : 39 years, Occu : Agril
4. Rushikesh S/o Vithalrao Jadhav
Age : 34 years, Occu : Agril
5. Vijay S/o Vithalrao Jadhav
Age : 38 years, Occu : Agril
6. Sunita wd/o Vithalrao Jadhav
Age : 58 years, Occu : Agril
7. Bibhishan s/o Namdev Shingar,
Age: 65 years, Occu : Agril.

All R/o. At Kasaba, Dharur,
Tq. Dharur, Dist. Beed

...Petitioners

Versus

1. Sundar S/o Ganpati Bahire
Age : 75 years, Occu : Agril.
2. Papu @ Ganesh S/o. Sundar Bahire,
Age : 38 years, Occu: Agril.
3. Namdev S/o. Sundar Bahire,
Age : 35 years, Occu : Agril.

All R/o at Kasaba, Dharur
Tq. Dharur, Dist. Beed

...Respondents

Mr. D. B. Pawar Pathrekar, Advocate for the Petitioner
Mr. V. P. Latange, Advocate for Respondent Nos. 1 to 3

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CORAM : ROHIT W. JOSHI, J.
DATED : 13th JUNE 2025

JUDGMENT :-

1. By the present petition the petitioner who is original plaintiff in Regular Civil Suit No.164 of 2013 challenges the order dated 24.08.2023 passed by the learned Civil Judge Junior Division, Dharur on Application at Exhibit-92 in the said Suit whereby he is directed to produce valuation certificate of the suit property for the purpose of valuation of the claim in the suit.

2. The learned counsel for the petitioner contends that the suit is filed in the year 2013, the issues were framed somewhere around in the year 2015 and therefore after a period of 10 years from the date of filing of the suit and almost eight years after framing of issues, the learned Trial Court was not justified in directing the plaintiff to produce valuation certificate on record for the purpose of determining valuation of the claim in the suit.

3. The learned Advocate has placed reliance on the judgment of the Hon'ble Supreme Court in the matter of ***Mahasay Ganesh Prasad***

Ray and Another Vs. Narendra Nath Sen and Others reported in AIR 1953 Supreme Court 431, particularly, paragraph 5 thereof. In the said matter the appellant had moved an application for amendment of memorandum of appeal and had sought time for payment of deficit Court Fee under Section 149 of the Civil Procedure Code. The Respondents opposed the application stating that by granting extension of time for payment of court fee, the right vested with the respondent with passage of time with respect to limitation for filing appeal is lost. In this context the Hon'ble Supreme Court has held that payment of Court Fee is primarily a concern between the Court, the Government and the litigant and the other party to the suit or proceeding does not have any right to raise any grievance in that regard.

4. In the present matter the learned Trial Court has directed the petitioner/plaintiff to file valuation certificate with respect to the suit property on record allowing application filed by respondent/defendant. Section 8 of the Maharashtra Court Fees Act, 1959 confers power and on the civil Court to hold an inquiry into correct valuation of the suit. It appears from the orders passed by the learned Trial Court that although there is some construction standing

over the suit property, the suit is valued as if the suit property is an open land.

5. The learned Counsel for the petitioner is unable to point out any statutory bar for issuing directions for production of valuation certificate after framing of issues. The order does not suffer from any jurisdictional or legal error. No case is made out for interference.

6. Writ petition is therefore dismissed with no order as to costs.

7. Pending Civil Applications, if any, stand disposed of.

[ROHIT W. JOSHI, J.]