



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

WRIT PETITION NO. 5798 OF 2016

Kamal Kisanrao Khopde
Through GPA Kisanrao Manikrao Khopde .. Petitioner

Versus

Vijayabai Subhashrao Karne And Others .. Respondents

Mr. Yatish G. Gujarathi, Advocate for the Petitioner (through V.C.).

CORAM : KISHORE C. SANT, J.

DATE : 10th NOVEMBER, 2025.

PER COURT :-

1. Heard learned advocate for the petitioner.
2. The petitioner had filed a suit for specific performance of a contract. The defendant appeared and filed written statement. The defendant also filed counter claim. The valuation of the suit was Rs. 10,00,000/-. By way of counter claim the defendant prayed for Rs. 15,32,685/-. Both the suits as well as counter claim came to be dismissed by the learned Trial Judge. The petitioner filed appeal in the District Court at Dhule challenging an order of dismissal of suit. The learned Appellate Court passed

an order returning the appeal. At the relevant period the jurisdiction of the learned Appellate Court i.e. District Court was only Rs. 10,00,000/-. The said order came to be challenged by the petitioner. It is the case of the petitioner that, the appeal would be governed by the valuation given in the suit and not on the basis of valuation given in the counter claim. The order passed by the learned District Judge is therefore erroneous. The appeal should have been entertained by the learned District Judge. As of now, the pecuniary jurisdiction for the purpose of deciding appeals by the learned District Court is enhanced to Rs. One Crore. In this view of the matter, now nothing survives. Therefore, impugned order needs to be set aside.

3. The learned advocate for the petitioner informs that, the petitioner has not taken back the appeal memo though it was directed to be returned and immediately he approached this Court by filing the present application.

4. In view of the position discussed above, the learned District Judge to entertain the appeal. The appeal for that purpose stands restored to its original position.

5. The impugned order is quashed and set aside. The writ petition stands disposed of. No order as to costs.

(KISHORE C. SANT, J.)

PS.B.