



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9723 OF 2024

Manik Devchand Patil

....Petitioner

VERSUS

Bhagwan Baburao Savle & others

.....Respondents

Mr. V. Y. Patil, Advocate for the Petitioner.

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2025.

PER COURT :

1. This Petition takes exception to the order dated 05.02.2024 passed by the Civil Judge Senior Division, Jamner, Dist. Jalgaon in Regular Civil Suit no. 196/2022 directing the Petitioner/plaintiff to pay court fees on house property in terms of Section 6(v) of Maharashtra Court Fees Act, 1959.

2. Heard learned counsel for the Petitioner.

3. There is no dispute about the fact that the suit properties also involve house property. Section 6(v) of the Act provides that for the purpose of possession of land, house and garden, valuation of the subject matter shall be deemed to have been according to the market

value of the house. The learned Trial Court, while rejecting the application filed by Defendants under Order 7 Rule 11 of Code of Civil Procedure, has directed payment of Court fees in accordance with the said provision. Having regard to the fact that the Plaintiff is seeking possession of the house property, the order passed by the Trial Court cannot be called as perverse to cause interference therein. Hence, Petition stands dismissed.

(R. M. JOSHI)
Judge

dyb