



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

**CIVIL REVISION APPLICATION NO. 70 OF 2025**

**VIDYA MOHANLAL PATWARI @ VIDYA DEEPAK AGRAWAL  
AND OTHERS**

**VERSUS**

**DEEPAK MOHANLAL PATWARI AND ANOTHER**

...

Mr. Amarsinha Shankar Kakade, Advocate for the Applicants.

...

**CORAM : S. G. CHAPALGAONKAR, J.  
DATED : 27<sup>th</sup> MARCH, 2025.**

**P.C.:-**

1. The applicants/original defendants in Regular Civil Suit No.241/2023 impugn order dated 10.10.2024 passed by Civil Judge Junior Division, Ambad, whereby application filed by plaintiffs under Order VII Rule 11(B) of the Code of Civil Procedure has been declined.
2. The respondents/plaintiffs instituted suit seeking decree of partition and separate possession to the extent of 1/8<sup>th</sup> share in suit house and also seek declaration of sale deed bearing no.5744/2014 as null and void and not binding upon their rights.
3. The defendants appeared in the suit and filed application seeking rejection of plaint on the ground that suit is not properly valued and Court Fees is not paid thereon.
4. The Trial Court considered aforesaid objection and noted that valuation of house has been depicted in sale deed, which is subject matter of challenge, wherein it is valued at Rs.7,72,386/-. The plaintiffs have also filed on record report of Sub Registrar, Ambad to justify aforesaid valuation. The plaintiffs have accordingly paid

Court Fees to the extent of share claimed by them. The Trial Court has also considered submissions made on behalf of defendants that Section 6(iv)(j) would not apply to the present case as plaintiffs are not party to the sale deed.

5. *Prima facie*, there was sufficient material to justify valuation of suit as made by plaintiffs. In result, Trial Court has rightly rejected the application. Hence, there is no merit in Civil Revision Application and same stands dismissed.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**

Devendra/March-2025