

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.475 OF 2022**

Vaibhav Vitthal AghavApplicant

In the Matter in Between:

Vaibhav Vitthal AghavPetitioner

Vs.

Suryakant Ramji Kelshikar & Ors.Respondents

Mr. Prabhanjan Gujar, (through vc) for the Applicant.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 15th SEPTEMBER 2025

PC.:-

1. The present Civil Revision Application takes exception to order dated 25th April 2022 passed below Exhibit-46 in Regular Civil Suit No.85 of 2018 by learned Civil Judge, Junior Division, Dapoli, District- Ratnagiri thereby rejecting Application filed by Petitioner/Defendant No.2 under Order 7 Rule 11 seeking rejection of plaint as suit is not properly valued.

2. Perusal of plaint in Regular Civil Suit No.85 of 2018 shows that Plaintiff seeks declaration that sale deed dated 25th January 2012 executed by Defendant No.5 in favour of Defendant

No.1 is void illegal and liable to be canceled.

3. Secondly, sale deed dated 18th December 2013 executed by Defendant No.1 in favour of Defendant Nos.2 to 4 is invalid and not binding on right of Plaintiff. The Defendant No.2 contend that since plaintiff has sought declaration against sale deed dated 25th January 2012 as well as sale deed 18th October 2013, Plaintiff has to pay proper Court fees based on valuation of both transactions and Plaintiff ought to have valued suit in terms of Section 6 (iv) (ha) of Maharashtra Court Fees Act and pay Court fees for prayer of possession.

4. The learned Trial Court relied upon exposition of law in case of *Suhrid Singh @ Sardool Singh Vs Randhir Singh and ors.*¹ and *Ravindra Narayan Rajashi & Ors. V/s. Smt. Rohini Ganpatrav Hebilkar*² decided on 31st July 2017 by Honble Bombay High Court holding that when Plaintiff has paid Court fees u/S 6(iv) (ha) for first transaction, he is required to pay Court fees in terms of Section 6 (iv)(j) for second transaction, which is rightly paid.

5. The aforesaid legal preposition is supported by

¹ AIR 2010 SC 2807.

² CRA No.338 of 2016

observations in Judgment of Division Bench of this Court in the case of *Dilip Khushalchand (Srisrimal) and Ors. Vs. Hardik Deepakbhai Ramani*³.

6. In result, there is no substance in Writ Petition. Hence, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

³ AIR OnLine 2022 Bom. 991