

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 50 OF 2024**

Krishna Baburao (Babu) Havaladar ..Applicant

Versus

Balasaheb Aandrao Bhosale & Ors ...Respondents

Mr. Sandeep Korgave, for the Applicant.

CORAM: N. J. JAMADAR, J.

DATED : 20th MARCH 2025

P.C.:

1. Heard the learned Counsel for the applicant.
2. The challenge in this Application is to an Order dated 18th September 2023 passed by the learned Civil Judge, Senior Division, Kolhapur, whereby an application preferred by the applicant for rejection of the Plaint, as the suit claim has not been properly valued came to be rejected.
3. The applicant had initially preferred an application for rejection of the Plaint on the ground that the suit claim has not been properly valued and the Plaintiff be directed to correct the valuation and pay the deficit Court fees.
4. By an Order dated 4th July 2022, the learned Civil Judge was persuaded to reject the Application observing, *inter alia*, that the Suit

was instituted for partition and the Plaintiff seems to have correctly valued the suit claim and paid the Court fees.

5. I have perused the averments in the Plaint. Primarily the Suit is for partition and separate possession of the Plaintiff's share in Gat No. 429.

6. Mr. Koregave, the learned Counsel for the Applicant, submitted that in order to bring the Suit within the pecuniary limits of the jurisdiction of the Civil Judge, Senior Division, the Plaintiff has included other properties but Court fees is paid only in respect of the claim for partition.

7. Primarily, the Suit is for partition of the land bearing Gat No. 429. Therefore, the learned Civil Judge was justified in rejecting the Application. In any event, if the defendant has raised an objection regarding the incorrect valuation of the Suit claim, the said issue can be heard and decided along with other issues at the stage of final adjudication of the Suit.

8. Subject to the abovesaid clarifications, the Application stands dismissed.

[N. J. JAMADAR, J.]