

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISIONS APPLICATION NO. 39 OF 2025

M/s. Ganraj Construction and another ...Applicant

Versus

Harishchandra Krishna Bhoir and ors. ...Respondents

Mr. Rohit Joshi, for the Applicant.

CORAM: N. J. JAMADAR, J.

DATED: 30th JANUARY, 2025

PC:-

1. Heard the learned Counsel for the applicant.
2. The challenge in this application is to an order dated 19th June, 2024 passed by the learned Civil Judge, Senior Division, Kalyan, whereby the application preferred by the applicant to reject the plaint for improper valuation of the suit claim came to be rejected.
3. Mr. Joshi, the learned Counsel for the applicant submitted that despite recording that the plaint ought to have been valued as per the provisions of Section 6(iv)(ha) of the Maharashtra Court Fees Act, 1959, the trial court has rejected the application on the premise that the suit claim is properly valued, without conducting a proper inquiry.

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4. Under the provisions of Order VII Rule 11(b), the Plaintiff cannot be rejected, unless the Court records a finding that the suit claim is undervalued and the Plaintiff, on being required to correct the valuation, fails to do so. Thus, there is no propriety in entertaining this application, at this stage.

5. Mr. Joshi, the learned Counsel for the applicant, further submitted that liberty be granted to the Applicant to file an application for determination of the correct valuation of the suit claim.

6. It appears that trial court has not conclusively examined the issue as to whether the valuation of the suit claim is correct. It may, therefore, be appropriate to grant liberty to the applicant to file an application for determination of the correct valuation of the suit claim.

7. If such an application is filed, the trial court shall decide the same on its own merits and in accordance with law, as expeditiously as possible.

8. Application stands disposed.

[N. J. JAMADAR, J.]