

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2436 OF 2025

Nitin Ambarushi Pingale

...Petitioner

vs.

Amol Balu Gore and Ors.

...Respondents

Mr. Prasad Kulkarni a/w. Mr. Nakul Shukla, for the Petitioner.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 24, 2025

P.C:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 4th February, 2025 passed by the learned Civil Judge, Senior Division, Barshi.
3. The petitioner/plaintiff has been directed to correct the valuation of the suit claim and pay the Court fee on the value of the instrument executed by defendant No. 5 in favour of defendant Nos. 6 and 7, during the pendency of the suit, instituted for specific performance of the contract executed by defendant Nos. 1 to 5 in favour of the plaintiff.
4. The learned counsel for the petitioner invites attention of the Court to a Division Bench judgment in the case of **Dilip Khushalchand Jain and Ors. vs. Hardik Deepakbhai Ramani and**

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Ors.¹ wherein this Court has held that a suit for declaration that sale deed (to which the plaintiff is not a party), is not binding on him and the consequential injunction, would be governed by section 6(iv)(j) of the Maharashtra Court Fees Act.

5. An arguable question is raised.

6. Issue notice for final disposal to the respondents No. 6 and 7 returnable 7th April, 2025.

7. In addition to notice through Court, the petitioner is at liberty to serve the respondents No. 6 and 7 by private service and file affidavit of service.

8. In the meanwhile, there shall be an ad-interim relief in terms of prayer clause (b).

(N. J. JAMADAR, J.)