

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 81 OF 2025

M/s. Ruturang Developers LLP ...Applicant

Versus

State of Maharashtra and anr. ...Respondents

Ms. Minal Gandnani, a/w Annie Cardoz, for the Applicant.
None for the Respondents.

CORAM: N. J. JAMADAR, J.

DATED: 20th FEBRUARY, 2025

Order:-

1. Heard the learned Counsel for the applicant.
2. The challenge in this petition is to an order dated 25th September, 2024 passed by the learned Civil Judge, Senior Division, Pune, whereby the application preferred by the defendant for rejection of the plaint under Order VII Rule 11 of the Civil Procedure Code, 1908 on the ground of incorrect valuation of the suit claim came to be rejected.
3. The respondent – plaintiff has instituted the suit with an assertion that the applicant has committed encroachment over the agricultural land, and for removal of the encroachment and the delivery of the possession of the said portion. Accordingly, the suit claim has been valued.

4. It is the contention of the applicant that the plaintiff has referred to a sanctioned building permission and also sought a relief that the said permission, qua the suit property, be cancelled.

5. Under Order VII Rule 11(b) of the Code of Civil Procedure, 1908, a plaint cannot be rejected without providing an opportunity to the plaintiff to correct the valuation and pay the deficit court fee, if the Court comes to the conclusion that the suit claim is undervalued. At this stage, *prima facie*, from the averment in the plaint, a case for rejection of the plaint under Order VII Rule 11(b) is not made out.

6. The defendant would, therefore, be required to take the ground of incorrect valuation in the written statement and, in the event such an issue arises for determination, the Trial Court may frame the issue and decide the same. Thus, no interference is warranted in the impugned order.

7. Thus, keeping open the liberty to the applicant to raise the contentions regarding incorrect valuation of the suit claim, the application stands dismissed.

[N. J. JAMADAR, J.]