

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.84 OF 2025

VISHAL
SUBHASH
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Sandeep Deepchand Shah and Anr. ...Applicants
vs.
Pradeep Deepchand Shah and Ors. ...Respondents

Mr. Kuldeep Nikam a/w. Ms. Nishi Singhvi, for the Applicants.
Mr. Umesh Mankapure, for Respondent No. 1.
Mr. Abhijit Kulkarni, for Respondent No. 2.

CORAM : N. J. JAMADAR, J.
DATE : FEBRUARY 24, 2025

P.C:

1. Heard the learned counsel for the parties.
2. The challenge in this application is to an order passed by the learned Civil Judge, Sangli whereby the application preferred by the applicants/ defendant Nos. 2 and 3 for rejection of the plaint under the provisions of Order VII Rule 11(b) of the Code of Civil Procedure, 1908 for incorrect valuation of the suit claim and the claim in the counter claim filed by the original defendant No. 4, came to be rejected.
3. The suit was instituted in the year 2015. Written statement has been filed. Issues were settled. Evidence has commenced.
4. The learned Civil Judge was of the view that the question of incorrect valuation of the suit claim could be decided at the stage of final adjudication after appraisal of the evidence and arguments.

5. The Court is informed that the issue as to whether the suit claim has been properly valued has not been framed. In the backdrop of the fact that the trial has already commenced, even if the Court were to finally decide the issue of correct valuation of the suit claim and the claim in the counter claim of defendant No. 4, an issue with regard to correct valuation of the claim ought to be framed so as to facilitate the Court to justly decide the said issue at the stage of final adjudication.

6. In view of above, the Civil Revision Application stands disposed with a direction to the trial Court to frame the issue of correct valuation of the suit claim and the claim in the counter claim filed on behalf of defendant No. 4 and permit the parties to lead evidence with regard to the said issue, if they desire to.

Application disposed.

(N. J. JAMADAR, J.)