

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

CIVIL REVISION APPLICATION NO. 438 OF 2025

Lalit Motilalji Shrishrimal ...Applicant

Versus

Kanchanbai Kishor Shrishrimal and Ors. ...Respondents

Mr. S. C. Wakankar, for the Applicant.

Mr. Avinash Avhad, for the Respondents.

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CORAM: N. J. JAMADAR, J.

DATED: 7th OCTOBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 20th March, 2025 passed by the learned Civil Judge, Senior Division, Pune, in Special Civil Suit No.850 of 2023, whereby an application preferred by the applicant under Order VII Rule 11(b) and (c) of the Code of Civil Procedure, 1908 ("the Code") for rejection of the plaint on the ground that, the suit claim has been undervalued and insufficient court-fees has been paid, came to be rejected.
3. The learned Civil Judge was of the view that, the plaintiff had correctly valued the suit claim and the court-

fees was paid under the provisions of Section 6(iv)(d) of the Maharashtra Court Fees Act, 1959.

4. Mr. Wakankar, the learned Counsel for the petitioner, submits that, the instant suit would be governed by the provisions contained in Section 6(v) of the Maharashtra Court Fees Act, as the relief of possession has been sought without seeking declaration. Mr. Wakankar further submits that, the market value of the suit property as of the date on which the plaintiff paid the court fees ought to have been reckoned and not the value as it obtained on the date the plaintiff had filed an application to sue as an indigent person, which eventually came to be rejected by order dated 24th March, 2025.

5. Evidently such application was filed in the year 2005. The question as to whether the plaintiff would be required to pay court-fees as of the date of the institution of the said application or the date on which the suit came to be filed by paying the court-fees and the correct valuation of the suit claim are matters which can be tried by framing appropriate issues. Thus, at this stage, there is no propriety in entertaining the revision application.

6. Therefore, the revision application stands disposed with a direction that the trial court shall frame the issues as regards the correct valuation and decide those issues alongwith other issues which arise for adjudication at the trial.

7. Subject to the aforesaid clarification, the application stands disposed.

[N. J. JAMADAR, J.]