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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.433 OF 2025
WITH
INTERIM APPLICATION NO . 10563 OF 2025**

Ms. Kruti Lalitkumar Jain ... Appellant

Vs.

Mrs. Rajana Shrish Sathe and ... Respondents
others

**WITH
APPEAL FROM ORDER (ST) NO.26903 OF 2025
WITH
INTERIM APPLICATION (ST)NO . 27858 OF 2025**

Mrs. Ranjana Shirish Sathe ... Appellant

through its POA M/s. Mantra
Building LLP through its
Aman Nandlal Gupta

Vs.

Mrs.Kruti Lalitkumar Jain and ... Respondents
Others

Mr. Virag Tulzapurkar, Senior Advocate, Mr. Sameer Pandit,
Ms. Krina Gandhi and Mr. Chintan Prasad i/b. M/s. Wadia
Ghandy & Co. for for the Appellant/Applicant.

Mr. Sameer Pandit a/w. Ms Krina Gandhi and Mr. Chintan
Rao i/b. Wadia Ghady and Co. for Respondent No. 1.

Mr. S. c. Wakankar a/w. Mr. Aishwarya Bapat and Mr.
Santosh Patil for Respondent No. 1 in AO/433/2025 and
Applicant in AOST/26903/2023 and IAST/27858/2025.

CORAM : GAURI GODSE, J.

DATE : 25th AUGUST 2025

ORDER :

1. Learned counsel for the respondent (plaintiff) raises preliminary objection that an appeal challenging order passed in the suit would not be maintainable in this court for want of pecuniary jurisdiction. He points out that the valuation of the suit is Rs.63 lakhs. The counter claim filed by defendant no. 1 is valued at Rs. 11 crores and odd. The counter claim is filed against the plaintiff and defendant nos. 18 to 24 who were not party to the suit.

2. In response to the preliminary objection, learned senior counsel appearing for the appellant (defendant no. 1) relies upon the decision of the Gujarat High Court in the case of ***Sanjay Bhulabai Patel vs. Pankaj Vinod Kumar Patni***¹. He submits that the Gujarat High Court has taken a view that where a suit and counter claim is filed, both are required to be treated as unified proceeding and for the purpose of valuation, the aggregate value of the plaint and the counter claim is to be considered.

¹ 2022 SCC Online Guj 1209

3. According to the learned senior counsel for the appellant Rule 6-A of Order VIII of Code Procedure Code, 1908 ("CPC") which provides for filing counter claim by the defendant clearly provides for filing counter claim not only against the plaintiff, but also against other parties as the counter claim is to be treated as a cross suit.

4. Learned counsel for the plaintiff seeks time to place on record the decision with regard to the non-maintainability of the counter claim against such parties who are not parties in the suit. Learned counsel for the plaintiff submits that since the counter claim is also filed against the parties who are not parties to the suit, both the proceedings cannot be treated as unified proceedings and the suit and the counter claim needs to be decided as two independent proceedings.

5. At the request of the learned counsel for the plaintiff, list the appeal on 23rd September 2025. To be listed under the same caption.

[GAURI GODSE, J.]