



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO. 1232 OF 2024

VIKAS TRAYAMBAKRAO BHADANE AND ANOTHER
VERSUS
MOHANDAS TRAYAMBAKRAO BHADANE AND OTHERS

...
Mr. P. P. Mandlik, Advocate for the Petitioners

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 07.03.2026

PER COURT :-

. Heard Mr. P. P. mandlik, learned counsel for the petitioners.

2. Regular Civil Suit No. 52 of 2023 has been filed by the present respondent No.1 against petitioner No.1 and other respondents in the Court of the learned Civil Judge, Junior Division, Sakri, seeking partition, separate possession, and perpetual injunction. A prayer for mesne profits and recovery is also made in the plaint.

3. The petitioners appeared in the suit and filed an application under Order VII Rule 10 of the Code of Civil Procedure, requesting the Court to return the plaint on the ground that the suit had not been properly valued. It is the contention of the petitioners that the plaintiff has, in fact, undervalued the suit and therefore the Trial Court ought to exercise its powers under Order VII Rule 10 and return the plaint.

4. The application was contested by the plaintiff. Upon hearing the parties, the learned Trial Court, by order dated 26.10.2023, rejected the

application filed at Exhibit-21. The order reveals that the learned Trial Court has opined that the issue of valuation needs to be considered in light of the evidence that may be tendered by the parties. The Trial Court further observed that the plaintiff is the master of his suit and has accordingly valued the same. The dispute or objection regarding proper or improper valuation would have to be assessed on the basis of adequate evidence.

5. It is also seen that the learned Trial Court has recorded that, in the event it is noticed that the suit is improperly valued or undervalued, an appropriate order under Order VII Rule 10 of the Code of Civil Procedure could be passed at the appropriate stage.

6. Mr. P. P. Mandlik, learned counsel for the petitioners, submits that by now the suit has reached the stage of framing of issues. He further submits that the petition may be disposed of with a direction to the learned Trial Court to frame an issue on the point of valuation of the suit.

7. Obviously, this submission is absolutely reasonable and acceptable, in view of the findings already recorded by the learned Trial Court while passing the impugned order. In the last paragraph of the impugned order, the learned Trial Court has also indicated that an appropriate issue regarding the valuation of the suit would be framed.

8. In view of the above, the writ petition stands disposed of with a direction to the learned Trial Court to frame an appropriate issue regarding the valuation of the suit and decide the same in accordance with law.

[AJIT B. KADETHANKAR, J.]