

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 588 OF 2024

M/s Tejraj Realtors Through Its Director
Tejraj Ganpatrao Patil

...Applicant

Versus

Tukaram Shankar Kalamkar And Ors

...Respondents

Mr. Chaitanya Nikte, a/w Shubhankar Kulkarni, i/b Prajit
Sahane, for the Applicant.

Mr. Abhishek Kapdia, for the Respondents.

CORAM: N. J. JAMADAR, J.

DATED: 24th FEBRUARY, 2026

ORAL ORDER :

1. Heard the learned Counsel for the parties.
2. The challenge in this revision application is to an order dated 2nd September, 2024, whereby the leaned Civil Judge has rejected an application for rejection of the plaint under the provisions of Order VII Rule 11(b) and (c) of the Code of Civil Procedure, 1908.
3. The suit has been instituted for cancellation of the Sale Deed dated 1st September, 2015, wherein the consideration is shown Rs.2,13,50,700/-. However court-fee has been paid on a sum of Rs.50,00,000/- only, which was the monetary consideration under the said Sale Deed.

4. The learned Civil Judge, while deciding the application for rejection of the plaint, has entered into the merits of the matter and recorded the findings which may bear upon the true character of the document, which can only be decided at the final adjudication of the suit.

5. Evidently, the consideration under the sale deed was formed by two components. Monetary consideration of Rs.50,00,000/- and consideration in the form of constructed portion of the building. Thus, the correct valuation of the suit claim bears upon the pecuniary jurisdiction of the court to entertain, try and decide the suit.

6. In this view of the matter, the revision application stands dismissed with a direction to the trial Court to frame and decide the issue of correct valuation of the suit claim and the proper court-fee to be paid thereon, as a preliminary issue.

7. The learned Civil Judge shall, however, not be influenced by any of the observations made in the impugned order while deciding those issues.

8. The application stands disposed.

[N. J. JAMADAR, J.]