



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11613 OF 2025**

Subhash Baburao Aswale and Anr. ... Petitioners
versus
The State of Maharashtra and Ors. ... Respondents

Mr. Ranjit G. Jadhav (through VC) for Petitioners.
Mr. A.C.Bhadang, AGP for State.

CORAM: N.J.JAMADAR, J.

DATE : 5 JANUARY 2026

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 9 July 2025 passed by the learned Civil Judge, Jr. Division, Nashik, whereby the application preferred by the Petitioners – Defendants for rejection of the plaint under the provisions of Order 7 Rule 11 of the Code of Civil Procedure, 1908, for not having correctly valued the suit claim and paid the proper court fees thereon, came to be rejected.
3. Learned Counsel for the Petitioners submitted that, though the Plaintiff is seeking partition and separate possession of the agricultural lands, yet, there are four bungalows constructed on the agricultural lands and the Plaintiff is also seeking partition in respect of the suit bungalows as well. Therefore, it was necessary for the Plaintiff to value the suit claim in accordance with the market value of those bungalows.

4. Since the suit properties are agricultural lands, the Plaintiff has valued the suit claim on the basis of the survey assessment of those agricultural lands. Thus, prima facie, having regard to the nature of suit properties, the valuation of the suit claim and payment of Court fees thereon, appears to be in conformity with the provisions of Section 6(v) and (vii) of the Maharashtra Court Fees Act, 1959.

5. In any event, the question whether the suit properties do not retain the character of land assessed to revenue and, consequently, the Plaintiff has undervalued the suit claim and not paid the proper court fees, ought to be framed and determined at the trial by the Trial Court.

6. The Writ Petition thus stands disposed with a request to the Trial Court to frame and determine the issues of proper valuation of the suit claim and the court fees to be paid thereon.

7. At this stage, learned Counsel for the Petitioners submits that the Plaintiff has filed an application under Order XII Rule 6 of the CPC for a decree on Admission and, if the said application is allowed, the trial Court may not have an occasion to frame and decide the issue of correct valuation of the suit claim and the Court fees to be paid thereon.

8. Suffice to clarify that, even if a decree on admission is passed, the Court would be required to delve into the question of correct valuation of the suit claim and if it comes to the conclusion that, court fees paid by the Plaintiff

is deficit, the Court may order payment of the deficit court fees.

9. Subject to aforesaid clarification, the Writ Petition stands disposed.

(N.J.JAMADAR, J.)