

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 14 OF 2026

Ananda Baburao Trikhunde & Anr ..Applicants
Versus
Karishma Avinash Jagdale & Ors ...Respondents

Mr.Prabhakar M Jadhav, for the Applicant.

CORAM: N. J. JAMADAR, J.
DATE : 17th JANUARY 2026

P.C.:

1. Heard Mr. Prabhakar Jadhav, the learned Counsel for the Applicant.
 2. This Revision Application is directed against an order dated 7th November 2025 passed by the learned Civil Judge, Ghodnadi-Shirur, Pune, whereby an Application preferred by Defendant Nos. 1 and 2 for rejection of the Plaint under the provisions of Order VII Rule 11(6) of the Code of Civil Procedure, 1908 (“the Code”), came to be rejected.
 3. Respondent No.1 has instituted a Suit for partition, separate possession, declaration and perpetual injunction with the assertion that the suit properties are the ancestral properties.
 4. Defendant Nos. 1 and 2 filed an Application for rejection of the Plaint contending *inter alia* that the Plaintiff has undervalued the suit
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claim and did not pay the requisite Court fees. Since the Plaintiff has sought a declaration that a Partition Deed dated 3rd December 2009 and the three Gift Deeds referred to in prayer clause (c) of the Plaint are not binding on the Plaintiffs and the suit properties, the Plaintiff ought to have valued the suit claim on the basis of the market value of the suit properties. Thus, the Plaintiff be directed to correct the valuation of the suit claim and pay the Court fees thereon, and, in the event of default, the Plaint be rejected.

5. By the impugned order, the learned Civil Judge rejected the Application observing *inter alia* that the Plaintiff has properly valued the suit claim in respect of the partition, separate possession, declaration and perpetual injunction in accordance with the provisions contained in Section 6(iv)(j) and 6(vii) of the Maharashtra Court Fees Act, 1959 (“the Act, 1959”) and, therefore, it was not necessary to direct the Plaintiff to correct the valuation and pay the Court fees, as contended by Defendant Nos. 1 and 2.

6. Mr. Jadhav, the learned Counsel for the Applicants, submitted that since the Plaintiff has sought declaration regarding the four registered instruments, the Plaintiff ought to have valued the suit claim in accordance with the market value of the properties, covered by those instruments. The learned Civil Judge thus committed an error in rejecting the Application.

7. The controversy sought to be raised by the Applicants is no longer res integra. The Plaintiff is primarily seeking the relief of partition and separate possession of her share in the ancestral properties. Evidently, the Plaintiff is not a party to the aforesaid instruments. Since the Plaintiff is not a party to the instruments in question in respect of which declaration is sought, the Plaintiff is not enjoined to pay the Court fees under Section 6(iv)(ha) of the Maharashtra Court Fees Act, 1959.

8. In the case of **Dilip Khushalchand (Srisrimal) Jain Vs Hardik Deepakbhai Ramani**,¹ a Division Bench of this Court, upon a reference, enunciated that Section 6(iv)(ha) of the Act, 1959, would be applicable only to the Plaintiff who is a party to the sale deed seeking declaration of avoidance of sale deed. It would not be applicable to the Plaintiffs who are not party to the instrument seeking declaration of avoidance of sale deed. Such Plaintiff would be governed by Section 6(iv)(j) of the Act, 1959, as the relief would not be susceptible to monetary evaluation.

9. Thus, the submission sought to be canvassed on behalf of the Applicant cannot be sustained.

10. Hence, the Civil Revision Application stands dismissed.

[N. J. JAMADAR, J.]

¹ 2023 (3) ABR 672.