

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1833 OF 2026

Anuradha Pankaj Dhoot

...Petitioner

Versus

Monica Kondya Karela Alias Monica Soma

Wad And Ors

...Respondents

Mr. Drupad Patil, i/b Namitkumar Pansare, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 24th MARCH, 2026

Digitally
signed by
SANTOSH
SUBHASH
KULKARNI
Date:
2026.03.25
18:08:48
+0530

Oral Order:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 24th December, 2025, passed by the learned Civil Judge on an application for return of the plaint under the provisions of Order VII Rule 10 of the Code of Civil Procedure, 1908 ("the Code") on the premise that the plaintiff – respondent had valued the suit for the purpose of jurisdiction only, at Rs.50,65,000/- though for the purpose of Court fees the suit claim was valued at Rs.925/- under the provisions of Section 6(vii) and at Rs.1,000/- under Section 6(iv)(j) of the Maharashtra Court-fees Act, 1959 and, thus, suit ought to have been instituted in the Court of Civil Judge, Junior Division.

3. The learned Civil Judge was persuaded to reject the application opining that there was no inherent lack of jurisdiction and, thus, the plaint cannot be returned for presentation to the proper Court.

4. Mr. Patil, the learned Counsel for the petitioner, submitted that in view of the provisions contained in Section 15 of the Code, a plaint is required to be instituted in the Court of the lowest grade competent to try it. Since in view of the provisions of Section 8 of the Suits Valuation Act, 1887, the valuation for the purpose of the jurisdiction and the Court-fees shall be the same, the plaintiff has artificially enhanced the suit claim for the purpose of jurisdiction and instituted the plaint in the Court of Civil Judge, Senior Division, instead of Civil Judge, Junior Division. Reliance was placed on a judgment of a learned Single Judge in the case of *Sadhu Mahadu Jagdale vs. Tatyasaheb Jagdale*¹

5. The plaint can be legitimately returned for presentation to the proper Court under Order VII Rule 10 of the Code, if the Court in which it is instituted lacks jurisdiction. The Court of Civil Judge, Senior Division, is not a Court of limited jurisdiction. Undoubtedly the suits having the suit claim falling

¹ 1972 SCC OnLine Bom 51.

within the pecuniary limits of Rs.5,00,000/- have to be instituted before the Civil Judge, Junior Division. However, that does not necessarily imply that the Court of Civil Judge, Senior Division, has no jurisdiction to try the suit having the suit-claim below the threshold of Rs.5,00,000/-. Section 15 of the Code enacts a rule of procedure. Section 15 does not affect the jurisdiction of a Court of a higher grade to try the suit entertainable by a Court of lower grade. A Court of higher grade is not bound to return the plaint under the provisions of Order VII Rule 10. It is discretionary on the part of the Court of higher grade to try the suit itself or to return the plaint for presentation before the Court of lower grade.

6. The view taken by the learned Civil Judge that the Court of Civil Judge, Senior Division, does not lack inherent jurisdiction to try the suit and, therefore, the provisions contained in Order VII Rule 10 were not attracted is justifiable. Consequently, no interference is warranted with the impugned order.

7. The petition stands dismissed.

[N. J. JAMADAR, J.]