



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3810 OF 2026**

Saturam Narayan Dalvi and Anr.	...	Petitioners
versus		
Sanjiv Baban Dalvi	...	Respondents

Mr. Sagar Talekar, for Petitioners.

**CORAM: N.J.JAMADAR, J.
DATE : 6 APRIL 2026**

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 24 December 2025 passed by the learned Civil Judge, whereby the application preferred by the Petitioners for rejection of the plaint in RCS No.8 of 2024 under the provisions of Order VII Rule 11(d) of the Code of Civil Procedure, 1908, came to be rejected.
3. The Respondent – Plaintiff has instituted a suit seeking declaration that the sale deed executed by the Defendant No.1 in favour of Defendant No.2 on 4 October 2023 is sham, null and void and not binding on the Plaintiff. A declaration was also sought that the Power of Attorney executed by the Plaintiff in favour of Defendant No.1 on 8 November 2011 be cancelled and delivered-up.
4. Learned Counsel for the Petitioners submitted that, since the sale deed dated 4 October 2023 was executed on the strength of the Power of Attorney

executed by the Plaintiff in favour of Defendant No.1 on 8 November 2011, it was incumbent upon the Plaintiff to pay the court fees on the valuation of the property as shown in the sale deed.

5. Since the Plaintiff is not a party to the sale deed dated 4 October 2023, in view of the Division Bench judgment of this Court in the case of **Dilip Khushalchand (Srisrimal) Jain V/s. Hardik Deepakbhai Ramani**¹, the Plaintiff is not required to pay the court fee on the market value of the property which is the subject matter of the sale deed. However, the question as to whether, the Plaintiff, having executed a Power of Attorney in favour of Defendant No.1, on the strength of the which the Sale Deed has been executed, can be construed to be the executant of the said sale deed, is a matter which warrants adjudication at the trial.

6. Therefore, keeping open the issues of proper valuation of the suit claim and the Court fees to be paid thereon, the Writ Petition stands disposed.

7. If an objection is raised in the written statement as to the correct valuation of the suit claim and the proper court fees thereon, the trial Court may frame appropriate issues and determine those issues along with the other issues that may arise for adjudication in the suit.

(N.J.JAMADAR, J.)

¹ 2023(3) ABR 672