

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

CIVIL REVISION APPLICATION NO. 231 OF 2026

Asha Madhukar Patil And Ors. ...Applicants

Versus

Jayendra @ Jayant Ramdas Patil And Anr. ...Respondents

Mr. Bhimrao Powar, for the Applicants.

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CORAM: N. J. JAMADAR, J.

DATED: 21st APRIL, 2026

PC:-

1. Heard the learned Counsel for the applicants.
2. The challenge in this application is to an order dated 27th February, 2026, passed by the learned Civil Judge, Senior Division, whereby an application preferred by the applicant – defendant to return the plaint for presentation to the proper Court i.e. Court of Civil Judge, Junior Division, Alibag, on the premise that the value of the suit claim was Rs.54,000/- only, came to be rejected.
3. True, in view of the provisions contained in Section 15 of the Code of Civil Procedure, 1908, the suit is required to be instituted in the competent Court of the lowest grade. However, the Court of superior grade does not lack inherent jurisdiction, if the suit is otherwise within the jurisdiction of the said Court.

In the instant case, the suit is instituted in the Court of Civil Judge, Senior Division, instead of Civil Judge Junior Division at Alibag. Both the Courts are located at Alibag. The Court of Civil Judge, Senior Division, cannot be said to lack inherent jurisdiction.

4. A 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 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.

5. A useful reference in this context can be made to the judgment of a learned Single Judge of this Court in the case of **M/s DKM Property Investments and Others Vs Tolentino Pereira and Ors,**¹ wherein in somewhat similar fact-situation this Court repelled an almost identical submission. The relevant observations in paragraph 12 read as under:

“12. Mr. Desai’s argument is misconceived when he points out that when a suit is filed even in the Court of Civil Judge, Senior Division he cannot exercise jurisdiction in a suit if the pecuniary jurisdiction is below Rs.25,000/-. I am unable to accept the logic behind this argument at any rate as it is open to the Senior Judge to exercise jurisdiction in any suit where the pecuniary value is below Rs.25,000/- or in excess thereof. However, it is indeed true that similar position is not available to a Junior Judge for he has to confine his jurisdiction in respect of suits where the value does not exceed Rs.25,000/-.

..”

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.

1 1992 SCC OnLine Bom 429.

Consequently, no interference is warranted with the impugned order.

7. CRA/231/2026 stands dismissed.

[N. J. JAMADAR, J.]