



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO.01 OF 2026

Smt. Geeta Wd/o Anup Ghule and others .Vs. Vinod S/o Tulsiram Kale

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.D. Borkar, Advocate for applicants.

CORAM : ROHIT W. JOSHI, J.

DATE : 12/01/2026

1. The suit for cancellation of the sale deed and in the alternative, for payment of sale consideration is filed by the original respondent in which the present applicants/original defendants have filed an application for rejection of plaint. The said application, filed vide Exh.10, is rejected by the learned Trial Court vide order dated 04.11.2025, which is the subject matter of challenge in the present Civil Revision Application.

2. The learned Advocate for the applicants has raised two contentions. First is that, non-payment of sale consideration is not a ground for cancellation of sale deed. Second is that, appropriate court fee is not paid by the plaintiff, inasmuch as the plaintiff is liable to pay court fee for each relief claimed in the plaint.

3. As regards the first contention, the plaintiff has made an alternate prayer for recovery of money. Therefore, the plaint could not have been rejected since, undisputedly,

the plaintiff will have a right to recover the unpaid sale consideration from the purchasers/defendants before the learned trial Court if the claim is proved.

4. As regards the second contention, it is well settled that a suit is required to be valued for the purpose of court fee having regard to the main relief sought in the suit. The prayer for refund of the amount is only an alternate prayer. It is obvious that the plaintiff will either get relief for cancellation of sale deed or for payment of the balance sale consideration. Even if the plaintiff succeeds in the suit, both reliefs will obviously not be granted. In view of the aforesaid, the contention with respect to valuation of suit and payment of court fee is also liable to be rejected.

5. No case for interference is made out. Civil Revision Application is **rejected** with no order as to costs.

(ROHIT W. JOSHI, J.)