



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.1385 OF 2026

**[Vinesh Jayantilal Adatiya .vs. Sagar Pandharinath Bankar and
Others]**

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms. Aastha Sharma, Advocate for Petitioner.
Shri. A. V. Palshikar, Asst. G. P. for respondent Nos.2 and 3.

CORAM : RAJ D. WAKODE, J.

DATE : 20th APRIL, 2026.

. Heard Ms. Aastha Sharma, learned counsel for petitioner and Shri. A. V. Palshikar, learned Asst. G. P. for respondent Nos.2 and 3.

2. The petitioner - original plaintiff has approached this Court seeking challenge to the impugned order dated 05.11.2025, passed below Exhibit - 13 in Special Civil Suit No.571 of 2023, by the learned 13th Joint Civil Judge Senior Judge, Amravati.

3. The aforesaid application below Exhibit - 13 was filed by respondent No.1 - original defendant No.1, praying for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure. The ground raised for such rejection was that the plaintiff has undervalued his plaint and thus, the plaint is insufficiently stamped within the meaning of Order VII Rule 11(b) and (c) of the C.P.C. Thus, the said application under Order VII Rule 11 was allowed.

4. The petitioner - original plaintiff opposed the aforesaid application, however, the learned Trial Court, *vide* impugned order dated 05.11.2025, has allowed the aforesaid application and has come to the conclusion by giving reasons as follow :

“8. In the present case, the plaintiff has admittedly executed the sale deed in favour of defendant No.1. Therefore, in view of the settled principle embodied in Section 6(iv)(ha), the plaintiff is bound to pay ad-valorem court fees on the value of the property as mentioned in the document. The consideration of the property in the sale deed is Rs.30,70,000/-. As per Article 1, Schedule I of the Maharashtra Court Fees Act, 1959, the computation is for the first Rs.10,00,000/-, the court fee is Rs.75,000/-, for the remaining Rs.20,70,000/-, 1% i.e. Rs.20,700/- is payable, subject to a maximum of Rs.3,00,000/-. Thus, the total court fee payable by the plaintiff comes to Rs.95,700/- (Rs.75,000/- + Rs.20,700/-). It is a matter of record that the plaintiff has paid a court fee of only Rs.25,615/- thereby resulting in a deficit of Rs.70,085/-.

9. In view of the above discussion and in light of the settled legal position, it is evident that claim is under valued and insufficiently stamped within the meaning of Order VII Rule 11(b) and (c) of the C.P.C. So, plaintiff is required to make proper valuation and to pay deficit court fees. Therefore, it would be proper to give directions to the plaintiff in that regard before passing any other order. It is needless to mention here that, if plaintiff failed to comply such directions then further necessary order would be passed. Hence point No.1 is replied in negative. In the upshot of above discussion and in answer to point No.2 following order is passed.”

5. Upon inquiry, Ms. Aastha Sharma, learned counsel for petitioner, though vehemently argued that the impugned order is erroneous and the plaint could not have been rejected by the learned Trial Court, however, she could not point out any perversity in the findings of the learned Trial Court in paragraph Nos.8 and 9 of the impugned order.

6. In view of the above, the present writ petition is devoid of merits and deserves to be dismissed. However, at this stage, Ms. Aastha Sharma, learned counsel for petitioner, upon instructions, fairly submits that the petitioner will comply with the impugned order dated 05.11.2025 by carrying out proper valuation and by paying the deficit court fees of Rs.70,085/-, as directed by the learned Trial Court. She, however, submits that

the difficulty with the present plaintiff is that the aforesaid impugned order was to be complied with within 30 days from the date of order i.e. 05.11.2025 and the aforesaid period of 30 days is now expired. She, further, informs this Court that the next date of hearing in the suit is 17.06.2026.

7. In view of the above, the present petitioner - original plaintiff is permitted to comply the impugned order dated 05.11.2025 by making the proper valuation and paying the deficit court fees as directed by the learned Trial Court on or before 17.06.2026 i.e. the next date of hearing of the aforesaid suit.

8. The writ petition is, accordingly, **disposed of**. No order as to costs.

(RAJ D. WAKODE, J.)