



ORDER BELOW APPLICATION EXH. 165

This is an application filed by defendant No. 2 – Ibrahim Chandubhai Shaikh under Order 7 Rule 11 of CPC r/w section 6 (iv) (d) of Bombay Court Fee Act 1959.

2. Defendant in short submitted that plaintiff has sought possession of Grampanchayat property No. 433 and 435/survey No.140, area 17104 sq.mt. in suit. But plaintiff has not paid proper Court fee. Therefore application may be allowed and plaint may be rejected under Order 7 Rule 11 of CPC.

3. Plaintiff has filed say at Exh. 167 and in short contended that application is false and bogus. Defendants have breached the order of Court and done construction work illegally. Therefore application may be rejected with heavy cost.

4. Heard both sides and perused the plaint and documents on record carefully. It is to be noted that amendments have taken place in instant suit and now it is suit for permanent and mandatory injunction and for recovery of possession of suit property. From para No. 8 of amended plaint, it clearly appears that plaintiff has not paid Court fee as per provisions of law. Court fee is revenue of government which cannot be avoided in any case. Therefore as per provisions of law, plaintiff is required to deposit deficit Court fee on or before next date. Plaintiff is directed to comply subject to verification by Superintendent. Application is disposed of accordingly.

(Shri. A.M.Husain)
Jt. Civil Judge, S.D.
N e w a s a

Date : 25.04.2023