

MHAH230006112024



**ORDER BELOW EXH.43 IN REG. CIVIL SUIT No. 239/2024**

1. Defendant no.7 has placed this application under Order VII, rule 11(b) and (c) of Code of Civil Procedure, 1908, for rejection of plaint on the ground of improper valuation of relief claimed and insufficiency of court fees stamp. Plaintiff has resisted the application by filing his say at Exh.50. Perused the application, say at Exh.50, plaint, written statement and documents tendered on record. Heard, Ld. advocates appearing for both the parties. Having regards to the rival contention of both the parties, prayer made in present application, argument advanced on behalf of respective parties and basic factors which are required to be considered while entertaining an application placed for rejection of plaint, following points have been arisen for my discussion and determination to which, I answer along with my findings thereon.

<b><u>Sr. No.</u></b>	<b><u>Points</u></b>	<b><u>Findings</u></b>
1.	Whether the plaint is liable to be rejected ?	No
2.	What order?	Application stands rejected.

**:: REASONS ::**

**AS TO POINTS NO. 1 & 2 :-**

2. Plaint has been sought to be rejected under Order VII, rule 11(b) and (c) of Code of Civil Procedure, 1908, on the grounds

that the plaintiff has neither properly computed the valuation of the relief of declaration as to binding effect of sale deed, nor he paid adequate court fee. It is submission of Ld. advocate appearing for defendant no.7 that in registered Sale Deed bearing no. 626/2024, amount of consideration has been specified as 11,20,000/- and when declaration in respect of said Sale Deed has been sought, valuation of the relief of declaration has to be computed in accordance with consideration of Sale Deed. It is relevant to mention here that the plaintiff has not sought the cancellation of Sale Deed bearing no. 626/2024, whereas he sought the declaration as to binding effect of said Sale Deed. Moreover, plaintiff is not party to said Sale Deed. As plaintiff is neither party to Sale Deed bearing no. 626/2024, nor he sought it's cancellation, valuation of relief of declaration is not required to be computed as per the valuation of the property or consideration of said sale deed.

**3.** Substantive relief claimed in present suit is not a relief of declaration, but is of partition. Moreover, relief of declaration is mere consequential relief in present suit and the relief of partition is main relief. Therefore, valuation pertains to relief of declaration would not be governed by the provision section 6 (iv) (ha) of The Maharashtra Court Fees Act, 1959, whereas same would be governed by section 6 (iv) (j) of The Maharashtra Court Fees Act, 1959. Therefore, amount of consideration of sale deed bearing no.626/2024 need not be taken into account while computing the valuation of relief of declaration. As such, proper valuation appears to have been made by the plaintiff

and adequate stamp duty appears to have been paid by her. Therefore, no question arise as to rejection of plaint on the grounds as averred in present application. Hence, I answer point no. 1 in negative and pass following order for point no.2:

**:: ORDER ::**

Application at Exh.43 stands rejected.

Shrigonda  
Date: 23/02/2026

( H. J. Pathan )  
2<sup>nd</sup> Jt. Civil Judge(S.D.), Shrigonda.