CNR : MHAK060036862018

Spl.C.S. No. 62/2018
(Old Spl.C.S.No.74/2018)
Sumanbai Vs. Satish

ORDER BELOW EXH. 18.
(Passed on 11-07-2019)

The defendant has filed present application under Order 7 Rule 11 of the Code of Civil Procedure.

2. It is averred in the application that, the suit is for declaration, possession and permanent injunction. The plaintiff has not valued the suit properly and the relief claimed is under valued. The valuation is shown only Rs.10,81,475/-, however the valuation of suit property is in Lacs as per valuation of the government. Therefore, the plaintiff be directed to value the suit property or in the alternative the suit be rejected.

3. The application is resisted by filing say at Exh.19 by the plaintiff. It is contended that, at the time of filing of suit, the plaintiff has valued it as per the government valuation and also produced government valuation letter. The valuation of property bearing No. 1-A is Rs.10,78,000/- and valuation of remaining property has been calculated as per the assessment of Revenue. Therefore, the suit is properly valued. Hence, the present application may be rejected with costs.

4. Heard argument of both learned Advocates for respective parties.

5. The plaintiff has relied on valuation certificate dated 04-07-2018 in respect of suit plot No.2. The valuation of suit plot No.2 has been shown Rs.1,86,000/- and of plot No.3 of Rs.8,92,000/-. It is of the open

plot. As against this, the defendant has produced valuation certificate of plot Nos. 2 and 3. It is for open space. The valuation of these plots has been shown as Rs.27,19,389/-. This certificate is dated 30-03-2019. It appears from valuation certificates of plot Nos. 2 and 3 produced by plaintiff and defendants that, plaintiff has produced valuation certificate of open plot and on the contrary, defendant has produced valuation certificate of open plot and constructed area. In such circumstances, the valuation certificate produced by defendant appears to be proper. Valuation of plot No. 21 shown in sale-deed bearing No.1338/2015 of Rs.7,20,000/- is also not shown in the plaint. As the plaintiff has challenged Will which is in respect of land block No. 1 and 91 for respective area as mentioned in the plaint. The valuation certificates of that particular area have been produced by defendant. The valuation of area in block No.1 is Rs.21,79,710/- and valuation of disputed area in land No.91 is Rs.8,10,525/-. Therefore, this valuation has also not been shown by the plain tiff in the plaint. The plaintiff has valued the landed property as per land revenue. However, the plaintiff has challenged the Will in respect of land block No.1 and 91, the plaintiff has to value the suit as per the market value of the suit property. Therefore, in such circumstances, the plaintiff has to value the suit as per valuation certificates produced by the defendant on record. Hence, the application is liable to be allowed. Therefore, I pass following order.

ORDER

1. Application (Exh.18) is hereby allowed.

2. The plaintiff is hereby directed to value the suit as per the valuation reports produced by defendant on record, on or before next date.

(B.N.Chikne)
Date: 11-07-2019. Civil Judge (S.D.), Akot.

CERTIFICATE

I affirm that the contents of this P.D.F. are same word for word as per original order.		
1	Name of Stenographer.	G.S.Bobade
2	Court Name.	Civil Judge (S.D.), Akot.
3	Date of order.	11-07-2019
4	Signed by P.O. on.	11-07-2019
5	Uploaded on.	11-07-2019