

FURTHER ORDER BELOW EXH.18(Passed on 20th day of July, 2023)

Perused the overall record. On going through overall record, it is very clear that, the defendant had filed this application Exh.18 under Order-VII, Rule-11 of Civil Procedure Code stating that, the plaintiff has not done the proper valuation of this suit and she has not paid the proper Court fees on it. Therefore, by the order dated 11.07.2019 passed below this application my learned predecessor had directed the plaintiff to value the suit as per the valuation reports produced by defendant on record. Thereafter, said order dated 11.07.2019 passed by my learned predecessor was challenged by the plaintiff by filing writ petition No.6212 of 2019 before Hon'ble High Court of Judicature At Bombay, Nagpur Bench At Nagpur. In said writ petition the Hon'ble High Court pleased to modify the impugned order passed by this Court directing that the valuation of the suit shall be ascertained on the basis of the 4 valuation certificates placed at pages 46 to 49 in said writ petition which are issued by the office of the Sub-Registrar, Telhara.

2. In above circumstances, with intent to obey the order of Hon'ble High Court the plaintiff shall correct the valuation of this suit on the basis of above referred 4 valuation certificates which are issued by Sub-Registrar, Telhara. But, yet

the plaintiff has not done the valuation of this suit in accordance with the above said directions of Hon'ble High Court and she has also failed to supply the requisite stamp papers.

3) From the above overall discussion, it is very much clear that, the relief claimed by the plaintiff is under valued and no proper court fees is paid by the plaintiff. But, before rejecting the plaint on the sole ground that, the plaintiff has not done the proper valuation of the suit and not paid the sufficient court fees, one opportunity needs to be granted to the plaintiff for making corrections in the valuation of the suit and for supplying requisite stamp paper. Hence, in the interest of justice, I pass the following order.

ORDER

The plaintiff is hereby directed to correct the valuation of suit on or before next date of this suit in accordance with the direction given by Hon'ble High Court in writ petition No.6212 of 2019 and to pay the proper court fees on it, failing which the plaint shall stand rejected, provided that, further time for correction of valuation will not be extended vide Order-VII, Rule-11(b) of the Code of Civil Procedure.

Sd/-

(Mahesh S. Kale)
Civil Judge (Sr.Dn.)
Akot.

Date: 20/07/2023.