

**ORDER BELOW EXH.13**

1] Defendant has filed the present application for directing the plaintiff to correct the valuation and affix the requisite stamp paper.

2] It has been argued by learned Advocate for defendant that, plaintiff has claimed for relief for arrears of alleged rent and for possession of disputed room. It is submitted that, the plaintiff affixed the requisite stamp on alleged arrears of rent and shown the valuation of alleged arrears of rent. However, plaintiff has not shown the valuation in respect of possession of disputed room. Plaintiff has also not affix the requisite court fees. Hence, he prayed for directing the plaintiff to value the suit and pay the requisite court fees.

3] It has been argued by learned Advocate for plaintiff that, the present application is filed only to prolong the present proceeding and harass the plaintiff. There is no substance in the application. The present suit has been filed under the provisions of Maharashtra Rent Control Act. The plaintiff has valued the suit and paid proper court fees stamp. The plaintiff has valued the suit properly. There is no need of valuation of suit room/shop. Hence, he prayed for rejecting the present application with costs.

4] Perused record. Section 6 (xii) of Bombay Court Fees Act, provides for court fees and its valuation in an suit between landlord and tenant. The present suit is for eviction and recovery of property from tenant. Plaintiff has also prayed enhancement of rent of the rented premises and recovery of arrears of rent. As per section 6 (xii) in a suit between landlord and tenant for enhancement of rent and for recovery of immovable of property from tenant, the suit shall be valued according to the amount of rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint. Plaintiff has valued the suit as per the rent payable from 1.4.2016 till 31.8.2018 i.e. more than an year before presenting a suit. Accordingly, as per paragraph no. 9 plaintiff valued the suit at the rate of Rs. 73,700/- and paid court fees stamp of Rs. 5,680/-. Therefore, in view of section 6 (xii) the suit has been properly valued. Hence,, I do not think it would be proper to allow the present application in view of section 6(xii) of Bombay Court Fees Act. Accordingly, I pass the following order -

**ORDER**

Application stands rejected.

Date : 11.09.2019

( K.A. Nahar )  
Civil Judge (Jr.Dn.)  
Dhamangaon Rly.