



Kalpana Patole & ors.

x

Budha Pawar & ors.

ORDER BELOW EXHIBIT 01

This suit has been filed seeking partition, separate possession alongwith consequential relief of perpetual injunction.

2. Heard learned advocate for the plaintiffs at length. He argued that, the present suit is filed for partition, therefore the plaintiffs are required to pay the Court fee on their respective shares.

3. It is to be noted that even in absence of issue raised by the defendants, it would still be the duty of the Court to determine whether the suit is properly valued or not and, if it is properly valued, whether sufficient Court fees have been paid or not. It is also the obligation of the Court to determine whether it has jurisdiction to hear the suit or not.

4. Upon Perusal of the plaint and documents on record, it appears that the plaintiffs have filed a suit for partition, separate possession alongwith consequential relief of perpetual injunction regarding landed and house properties.

5. In the present case, looking at the averments made in the plaint itself, the main relief sought is the partition and separate possession. The plaintiffs themselves evaluated suit properties as Rs.30,32,582/- and accordingly paid court fee of Rs.20/- only. Order VII Rule 10 of the CPC states the circumstances under which the Court can return the plaint. The relevant provisions of CPC is reproduced below:

10. Return of plaint._ (1) [Subject to the provisions of rule 10-A, the plaint shall] at any stage of the suit be returned to be presented to the Court in which the suit should have been instituted.

[Explanation._ For the removal of doubt, it is hereby declared that a Court of appeal or revision may direct, after setting aside the decree passes in a suit, the return of the plaint, under this sub-rule.]

6. The averment of the pleading shows the valuation of the suit properties as Rs.30,32,582/-. The jurisdiction of a Civil Judge Junior Division primarily includes all original civil suits and proceedings with a **subject matter value upto Rs.5,00,000/- only**. The pecuniary jurisdiction of present suit exceeds the jurisdiction of this Court. Therefore, the plaint is required to be returned for representing before the proper Court. Before coming on this conclusion, the plaintiffs were given an opportunity as provided under Order VII Rule 10-A of the CPC. As a result, the following order is passed:

ORDER

1. The plaint is hereby returned for presentation in proper court under Order VII R 10 of the Civil Procedure Code by keeping verified copy of plaint on record.
2. The learned advocates for the parties to take note of it.
3. Concerned clerk is directed to take note of this order in Register of Return of Plaint accordingly.

Shirpur.
Date :- 25.03.2026

(Husna R. Khan)
Jt. Civil Judge, Junior Division,
Shirpur.

Order below Exh.01

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RCS NO.10/2021
Kalpana x Budha

CERTIFICATE

I certify that the contents of the PDF File are word to word as per Original Judgment / Order.

Name of the Steno : M. M. More
Name of the Court : Jt. C.J.J.D. & J.M.F.C., Shirpur.
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