



ORDER PASSED BELOW EXH.22
IN SPECIAL CIVIL SUIT NO.25/2023

[CNR No.MHKO090001302023]

The application is filed by the defendant no.1 for rejection of plaint under Order VII Rule 11 of the Code of Civil Procedure.

2. In short, it is the contention of the defendant no.1 that the present suit is filed by the plaintiff under Hindu Adoption & Maintenance Act. The valuation of suit is Rs.66,01,000/-. As per the plaintiff, the immovable property is worth of Rs.15,00,000/- and Rs.25,00,000/-. Therefore, the relief sought by the plaintiff is regarding the monetary benefits. Thus, she be directed to deposit the requisite Court fee or enquiry be initiated under Section 8 of Bombay Court Fees Act. If the plaintiff failed to deposit requisite Court fee, then plaint be rejected.

3. The present application is strongly opposed by the plaintiff. In short, it is the contention of plaintiff that the suit is based on matrimonial dispute, therefore, in view of Section 46 of Bombay Court Fees Act, the plaintiff is exempted from depositing the Court fee.

4. Considering the rival submissions, following points arise for my determination and my findings thereon, with reasons,

are as under -

Sr. No.	Points	Findings
1]	Whether the plaint is insufficiently stamped ?	 No
2]	Whether the plaint is liable to be rejected under Order VII Rule 11 of CPC ?	 No
3]	What order ?	 As per final order

REASONS

As to point no.1 -

5. The law regarding the rejection of a plaint is well-settled. Various pronouncements have established that it must appear from the plaint itself that the suit is barred by the provisions of any other law. In this exercise, the defenses raised in the written statement or its averments cannot be considered; the bar specified in another statute must be evident from the plaint alone. It is also a well-settled principle that the plaint needs to be read as a whole and not in parts. With these guiding principles, I am considering the objections raised by defendant.

6. The very short question involved in the application. Whether the plaintiff is exempted from depositing the Court fee, is

the root question involved in the present application. It is admitted fact that plaintiff is claiming maintenance against defendant in the capacity of wife. Therefore, there is matrimonial dispute between the plaintiff and defendant. The State Government is made crystal clear that "Government of Maharashtra hereby remits the fees payable by the women litigants" on any of the plaints, applications, petitions, memorandum of appeals or any other documents specified in the first and second schedules of the said Act to be filed in any Civil, Family or Criminal Courts in respect of the cases relating to maintenance, property disputes, violence and divorce.

7. Thus, the relief sought by the plaintiff came under the exemption clause. Therefore, there is no necessity to give directions regarding the enquiry. Hence, I am of the view that the present application is not having any merit. Therefore, the plaint is not hit by Order VII Rule 11 of CPC. Hence, I answer point nos.1 and 2 in the negative and proceed to pass the following order, in answer to point no.3 :-

ORDER

The application is rejected.

Place : Gadhinglaj.
Date : 20.03.2025.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj