

MHKO160004562013



ORDER BELOW EXH.83 IN R.C.S.NO.105/2013

Present application is filed by defendant No.3 under O.7 R.11 of C.P.C. for rejection of plaint on the ground that the plaintiff has not paid proper court-fees. Plaintiff has filed say to the application at Exh.84 contending that there is no merits in the application of defendant. He has paid proper court-fees, therefore, prayed for rejection of the application.

Heard both sides, perused all the record. It reveals from record that previously defendant Nos.13 and 14 have filed application at Exh.60 under O.7 R.11 of C.P.C. with same contentions as present application. It also reveals that previously this court has framed preliminary issue based on said application and has decided said application on merits and rejected the application by passing order below Exh.01 on 20/09/2017. It is important to note here that since the institution of the suit there is neither any change in the suit property nor any addition properties added to the proceeding. Thus, the same issue has already been decided; there appear no grounds for freshly considering the application under O.7 R.11 of C.P.C. Moreover, as learned advocate for plaintiff has relied upon judgment of **Hon'ble Bombay High Court in the case of Sardarsinha Gour Vs. Swaroopsingh Mh.L.J.2012(6)**. Hon'ble High Court has settled the issue regarding payment of court-fees in suit for declaration. Therefore, in view of discussion supra, present application do not have any merits as the issue is already resolved by an

order dated 20/09/2017. Accordingly, I pass following order.

ORDER

01. Application Exh.83 is hereby rejected.
02. No order as to costs.

Shahuwadi
Date : 21/11/2024

[P. B. Pawar]
Civil Judge, Junior Division,
Malkapur-Shahuwadi