



Arbitration Case No.106 of 2020
CNR Number :MHLA010023472020

ORDER BELOW EXH.NO.18

(National Highway Authority of India -Vs-Hemlata and
other 1)

1] This application is filed by the Respondent No.1 under Order VII Rule 11 of the Code of Civil Procedure, 1908, stating that the relief claimed is under valued, and therefore, this plaint is required to be rejected.

2] The applicant/NHAI by filing say vide Exh.29 has objected this application and submitted that as per Article 3(A) of the Maharashtra Court Fees Act, 1959, the Court Fees to the extent of 50% of the ad valorem amount is paid.

3] Heard both the parties. As well, directions are given to the Superintendent (Judicial) District Court, Latur to verify the accuracy of Court Fees affixed in the present matter.

4] As per report dated 12.06.2023 of Superintendent (Judicial) District Court, Latur, it appears that, the applicant/NHAI has filed this proceeding and valuation of the same is Rs.56,49,750/-. Upon the said valuation, Court Fees of Rs.40,815/- is paid as per Article 3(A) of the Maharashtra Court Fees Act.

5] As per Order VII, Rule 11, sub-clause (c), if the plaint is written upon paper insufficiently stamped, and the plaintiff/petitioner fails to supply the requisite stamp-paper within a time fixed by the Court, in that case the plaint is liable to be rejected.

6] However, in view of the report of Superintendent (Judicial) District Court, Latur, the plaint is properly stamped, and therefore, the plaint can not be rejected as per Order VII Rule 11 sub-clause (c) of the Code of Civil Procedure, 1908. Hence, there is no substance in the application.

7] In the result, I proceed to pass the following order :

ORDER

(i) The application vide Exh.18 is hereby rejected.

Sd/-

Date: 13.06.2023.

(Smt.S.S.Kosamkar)
Principal District Judge,
Latur.