


<b><u>ORDER BELOW EXH.129 IN</u></b> <b><u>R.C.S. NO. 139/2014</u></b> <b><u>(Manisha Vs. Sopan)</u></b>	<b>MHLA120003882014</b> 
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This is the application filed by the defendant under Rule 11 of order VII of the Code of Civil Procedure.

2. By this application defendant submitted that the plaintiff has filed present suit for partition of suit properties including house property bearing Grampanchayat No.18. The plaintiff under valued the house property. The market value of the house property is 20 to 25 Lakhs. In this circumstances, the plaintiff not corrected the valuation of suit property and the suit is filed on insufficient court fees. Hence, he prayed to reject this plaint as per Rule 11 of order VII of the Code of Civil Procedure.

3. The learned advocate for plaintiff filed pursis at Exh.131 and submitted that the plaintiff filed the suit for partition in respect of house property bearing Grampanchayat No.18. The valuation of said house property is very huge. The plaintiff's economic condition is poor she is unable to pay the Court fee on valuation of said house property. Hence, she surrender her share in the suit property and withdraw her claim in respect of the said house property.

4. Heard learned advocate of respective parties at length.

5. Peruse the record of the suit. The present suit is filed for partition of suit property. The defendant took objection in his written statement in respect of insufficient Court fee. The plaintiff admitted the market value of house property is 20 to 235 Lakhs in her cross-examination. She informed to the court by pursis at Exh.131 that she is unable to pay the Court fee on that house property. She withdraw her claim in respect of that house property. She surrender her right in that suit property.

6. As per provision under Order VII Rule 11 of Code of Civil Procedure, the plaint shall be rejected in the following cases-

- a) Where it does not disclose a cause of action.
- b) Where the relief claimed is undervalued, and the plaintiff on being required by the Court to so correct the valuation within a time to be fixed by the Court, failed to do so,
- c) Where the relief claimed is properly valued, but the plaint written upon paper insufficiently stamped and the plaintiff on being required by the Court to supply to requisite stamp paper within a time to be fixed by the Court, failed to do so,
- d) Where the suit appears from the statement in the plaint to be barred by any law.
- e) Where it is not filed in duplicate,
- f) Where the plaintiff has to comply with the provisions of Rule 9.

7. Except those grounds mention in the order VII Rule 11 (a to f), the plaint cannot be rejected for any other reason. As per order VII Rule 11 (b) the relief claimed is undervalued, and the plaintiff on being required by the Court to so correct the valuation within a time to be fixed by the Court, failed to do so, the suit will be rejected. The opportunity to correct the valuation is necessary as per the above provision. After the filing of this application the plaintiff surrender her right in that property. By this pursis she corrected the valuation of suit property. Now, the plaint is written upon sufficiently stamped paper. The valuation is correct. Thus, there is no reason to reject this plaint. In view of the above discussed facts, I pass following -

**ORDER**

Application at Exh.129 stand dismissed.

Date : 02/08/2025.  
Place: Nilanga.

**(Smt. A. S. Gunjawate)**  
Jt. Civil Judge, Junior Division,  
Nilanga, Dist. Latur.