

**:: Order below Exh. 119 ::**

01. This is an application by the defendant Nos. 2 and 3, for directing the plaintiffs to correct valuation of suit claim in respect of house property. As per the defendants, the suit house is valued at Rs. 4,67,757/-. Both plaintiffs are claiming 1/3rd share each. Therefore, they are required to pay court fees on their share of Rs.1,55,919/-each. The plaintiffs have not valued their share correctly. Hence, prayed to allow the application. Application is opposed by the plaintiffs by citing that, the court fees on valuation of suit house comes to Rs. 13,830/- and the plaintiffs are paying court fees of Rs. 9,210/- which comes to 2/3rd share. Therefore, the plaintiffs have correctly valued their share. Hence, prayed to reject the application.

02. Heard both sides. Perused record. The valuation of suit house is not disputed. Only calculation of court fees is in dispute. The plaintiffs calculated their 2/3 share on entire court fees of Rs. 13,830/- valued on Rs. 4,67,757/-. As per Section-6 (VII ) of the Maharashtra Court Fees Act 1949, in suits for partition amount of court fees to be valued on the share of the parties. In the present suit, the suit house is valued at Rs. 4,67,757/- . Therefore, the share of each plaintiff would come to Rs. 1,55,919/-. Therefore, both the plaintiffs are required to pay court fees on their respective share of Rs. 1,55,919/- and not by dividing their court fees on entire valuation of Rs. 4,67,757/- As per Schedule-I of the Maharashtra Court Fees Act, the court fees for claim of Rs. 1,00,000/- is Rs. 6,430/- and thereafter for every part of Rs. 10,000/- the Court fees would increase at the rate of Rs. 200/-. Therefore, the plaintiffs are

required to pay Court fees of Rs. 7,630/- each and not Rs. 4,605/- each as valued by the plaintiffs. Accordingly, following order is passed.:

**:: O r d e r ::**

- 1) Application is allowed.
- 2) Plaintiffs are directed to correct valuation of their claim as stated above and pay deficit court fees within 30 days from today.

Date : 02-01-2020.

( U. B. Kalapagar )  
Civil Judge Junior Division,  
**D e o n i.**

I affirm that the contents of the P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	M.Y. Wadiwale.
Name of the Court	Shri.U.B.Kalapagar, Civil Judge Jr. Division, Deoni.
Date of Dictation	02/01/2010
Order signed by the P.O. on	02/01/2010
Order uploaded on	02/01/2010