

RCS No.161/12  
Kisnabai Vs. Suryaprakash

**ORDER BELOW EX.81**  
(Passed on 10/3/17 )

Heard learned counsels for both parties. Advocate Dorle on behalf of defendant No. 4 submitted that from the sale deed dated 15/3/2005, it appears that in the year 2005, the market value of the suit property was of Rs. 5,07,000/- therefore this Hon'ble Court has no jurisdiction to entertain the instant suit. On the other hand, the learned counsel for plaintiff submitted that the plaintiff has filed civil suit as forma pauperism which was allowed by the then Court on 22/2/2007. Also plaintiff has valued suit property and suit is within the jurisdiction of this court therefore application is liable to be rejected.

The present suit has been filed for declaration, partition, separate possession and permanent injunction. The subject matter of the suit is the field property. When the suit property is agriculture land it is required to calculate court fee as per section 6(vii) of the Bombay Court Fee Stamp Act. The counsel for defendant placed reliance upon judgment reported in **2015 (2) Mh.L.J.** which is on different footing and it is not applicable in present case. Section 6(iv)(ha) of Bombay Court Fee Stamp is not attracted in present case. However it revealed that already my predecessor has passed order on 22/2/2007 and permission granted to applicant to sue as forma pauperism. In such circumstances, no

substance found in the submission made by counsel for defendant.

**Accordingly objection overruled.**

Umrer.  
Dt. 10/3/17.

(Ms.V.R.Jambhule)  
Civil Judge(Jr.Dn.), Umrer.