

Regular Civil Suit No.38/2016  
Komal/waman & others

**Order below Exh.36.**

(Passed on 14<sup>th</sup> day of February, 2017)

1. The defendant no.1 in the instant suit has moved this application for rejection of plaint on the ground that the plaintiff undervalued the suit and therefore, under Order VII Rule 11 of C.P.C. the plaint is liable to be rejected.
2. According to the defendant no.1, the plaintiff filed this suit for partition and separate possession against defendants and valued the suit Rs.2750/- and paid court fees Rs.510/- + 200/-. The plaintiff has paid the stamp duty on her 1/5<sup>th</sup> share. As per the Maharashtra Court Fees Act, in the instant case for the purpose of share of plaintiff the valuation of suit is Rs.2750/-, for the purpose of possession the valuation is Rs.1028/- and for the purpose of declaration the valuation is Rs.1000/-. However, the plaintiff undervalued the suit by not paying the court fee on the relief of possession and therefore the plaint is liable to be rejected.
3. The plaintiff resisted the application on the ground that she paid the court fees on her 1/5<sup>th</sup> share, hence the application is liable to be rejected.
4. Heard learned advocates for both the sides.

5. The present suit is filed by plaintiff for partition of the suit property and separate possession of her share from it. The valuation of the suit comes to Rs.2750/- + Rs.1028/- + Rs.1000/- = Rs.4778/-. So also the plaintiff has claimed her 1/5<sup>th</sup> share in the suit property. Therefore, so far as the 1/5<sup>th</sup> share of plaintiff is concerned, the valuation of suit in respect of plaintiff comes about Rs.955/-. Thus the plaintiff properly paid the court fees Rs.200/- in view of the reliefs claimed by her. Hence the application of defendant no.1 being devoid of merits is liable to be rejected. In view of the discussion noted above I proceed to pass the following order.-

### **Order**

1. The application Exh.36 is hereby rejected.
2. Costs in cause.

Parseoni.  
Date:-14.02.2017.

(Sanjay D. Wankhede)  
Civil Judge, Jr.Dn., Parseoni.

### **CERTIFICATE**

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

**Name of Stenographer**-Abhijit Yeshwant Kulkarni