

Regular Civil Suit No. 15/2022

Order below Exh. 75 .

This is an application under Order VII Rule 11 (b)(d) of Civil Procedure Code, 1908. Plaintiff has filed say at Exh. 99.

02. Perused the application, say and record of the case. Heard both the learned Advocates.

03. Defendant has alleged that plaintiff has challenged in all nine sale deeds executed in favour of defendants. However, plaintiff has not properly valued the suit and has not paid proper Court fees stamp. Moreover, sale deeds are more than 20 years old. Therefore, suit is barred by law of limitation as well. Hence, defendant has prayed to reject the plaint.

04. Plaintiff has contended that the suit is properly valued. Only one sale deed is executed in the year 2001 and rest are executed recently. Therefore, suit is well within limitation. Hence, the learned Advocates for plaintiff has prayed for rejection of the application.

05. The suit is filed for partition, declaration and perpetual injunction. While considering provision under Order 7 Rule 11, only the contents of the plaint have to be taken into consideration. As per the pleading in the plaint, plaintiffs have come to know about all the sale deeds prior to filing of the suit. Therefore, from the contents of the plaint, the suit does not appear to be barred by law of limitation.

Moreover, the sale deeds in respect of which the declaration is claimed are executed between defendants. Plaintiffs are not party to those sale deeds. Therefore, plaintiffs are not required to pay Court fees stamp on the valuation of suit property in respect of which sale deeds have been executed. Thus, the suit is property valued. Therefore, plaint cannot be rejected in view of provision under Order VII Rule 11(b) and (d) of Civil Procedure Code. Therefore, present application is liable to be rejected. In result, I pass following order:-

ORDER

Application is rejected.

Date : 04/07/2025

(M. D. Nanaware)
Jt. Civil Judge Sr.Dn, Igatpuri.