

**ORDER BELOW EXH.29**

This is an application filed by defendant No.2 and 3 seeking direction to the plaintiff to pay the sufficient court fee and in default defendant prayed for the dismissal of suit in view of Order VII Rule 11 of Civil Procedure Code.

02. According to the defendants, the plaintiff sought for the partition to the extent of his 1/5th share, cancellation of registered partition deed and declaration for not binding of sale deed in respect of suit property. However, the plaintiff has not valued suit properly and paid insufficient court fee. In this background, defendant sought for the direction to the plaintiff to pay proper stamp.

03. The application is opposed by filing say at Exh.35. As per say of the plaintiff the suit is properly valued as per Valuation Act and stamp has been paid under the provisions of Bombay Court Fee Act. Plaintiff has properly valued the suit property and paid sufficient court fees. Hence, learned advocate for plaintiff prayed for rejection of the application

04. Perused record. Indeed plaintiff filed the suit for the relief of partition, cancellation of partition deed and declaration as to not binding sale deed. Upon perusal of partition deed and sale deed the plaintiff is not party to that, deeds. Therefore, the plaintiff is liable to pay Court fees to the extent of his share.

Accordingly, the plaintiff has properly valued the suit in Para No.17 of the plaint and paid sufficient court fee. Hence, the following order is passed.

:-O R D E R:-

Application is hereby rejected.

Date: 27.07.2026

(Smt A. B. Jondhale)
Jt. Civil Judge Jr. Dn., Bhoom.

C E R T I F I C A T E

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

Name of Stenographer	:-	Shri. S. S. Hingmire, (Grade-III)
Court	:-	Jt. C.J.J.D. & J.M.F.C. Bhoom
Date	:-	27.07.2026
Order signed by the Presiding officer on	:-	27.07.2026
Order uploaded on	:-	27.07.2026