

MHRG140009682021



ORDER BELOW EXH-85

1. This is the application at Exhibit 85 filed by the Defendant Nos. 3/1 to 3/5 under Order VII Rule 11(b) of the Code of Civil Procedure, 1908 (CPC), seeking rejection of the plaint or directions to the Plaintiffs to pay deficient court fees.

2. The case of the applicants (Defendant Nos. 3/1 to 3/5), as set out in Exhibit 85, is that the Plaintiffs have filed the present suit for declaration of ownership, declaration that Sale Deed No. 2282/2019, Sale Deed No. 2597/2019, and a Sathekhat (Agreement to Sell) are not binding on them, and for a permanent injunction. The applicants contend that the Plaintiffs have valued the suit notionally at Rs. 1,000/- under Section 6(iv)(d) of the Maharashtra Court Fees Act, 1959, and paid a court fee of Rs. 200/- thereon, along with Rs. 200/- for the relief of injunction. The applicants submit that since the Plaintiffs are challenging registered instruments, they must value the suit in accordance with the market value of the properties under Section 6(iv)(ha) of the Maharashtra Court Fees Act, 1959, and pay separate court fees on each of the challenged documents. They pray that the Plaintiffs be directed to pay the requisite court fees, failing which the plaint be rejected under Order VII Rule 11(b) of CPC.

RCS 121/2021
Waman Vs. Kashinath
Exh-85

3. The Plaintiffs have strongly resisted the application by filing their reply/say at Exhibit 85. The Plaintiffs contend that the suit properties are joint Hindu family ancestral properties, and therefore, they have properly valued the suit under Section 6(iv)(d) of the Maharashtra Court Fees Act, 1959, with a notional value of Rs. 1,000/-. However, the Plaintiffs have expressed their readiness and willingness to pay additional court fees of Rs. 200/- each for the two sale deeds under Section 6(iv)(ha) of the Maharashtra Court Fees Act, 1959, if directed by this Court. They pray for the rejection of the application.

4. Perused the pleadings, the application at Exhibit 85, the reply filed by the Plaintiffs, and the contents of the Plaint. The applicants seek the rejection of the plaint on the ground of undervaluation and non-payment of appropriate court fees under Order VII Rule 11(b) of CPC. Order VII Rule 11(b) provides that the plaint shall be rejected where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so. It is a well-settled statutory position that a plaint cannot be rejected outrightly under this provision without first granting the plaintiff a reasonable opportunity to correct the valuation and supply the deficient court fees.

5. On a perusal of the plaint, the Plaintiffs have sought multiple reliefs. Apart from a declaration of ancestral ownership, the Plaintiffs have specifically prayed for a declaration that Sale Deed No. 2282/2019, Sale Deed No. 2597/2019, and the Sathekhat are

void, illegal, and not binding on their shares. Under Section 6(iv)(ha) of the Maharashtra Court Fees Act, 1959, in a suit for declaration that any sale, contract for sale, or other transaction of immovable property is void, voidable, or not binding, the court fee is required to be computed on the value of the property or the consideration mentioned in the document, or according to the share claimed.

6. The Plaintiffs have valued the entire suit under Section 6(iv)(d) of the Maharashtra Court Fees Act, 1959, as a single relief and paid a lump sum notional court fee. However, the declarations sought against the registered sale deeds and the agreement to sell constitute independent reliefs requiring proper valuation under Section 6(iv)(ha) of the Act. The Plaintiffs in their written reply have conceded their willingness to pay the additional court fees under Section 6(iv)(ha) if so directed by the Court. This admission confirms that the suit is indeed undervalued and the court fee paid is deficient.

7. Since the suit is undervalued, the appropriate course of action is to direct the Plaintiffs to correct the valuation of the suit and pay the deficit court fees within a stipulated timeframe, rather than rejecting the plaint immediately. Therefore, the application under Exhibit 85 deserves to be partly allowed. Hence, I proceed to pass the following order.

ORDER

(I) This application at Exhibit 85 is hereby partly allowed.

RCS 121/2021
Waman Vs. Kashinath
Exh-85

- (ii) The Plaintiffs are directed to correct the valuation of the suit with respect to the reliefs of declaration challenging Sale Deed No. 2282/2019, Sale Deed No. 2597/2019, and the Sathekhat as per Section 6(iv)(ha) of the Maharashtra Court Fees Act, 1959, within thirty (30) days from the date of this order.
- (iii) The Plaintiffs shall file an amended valuation clause and deposit the deficient court fees in Court within the said period of thirty (30) days, failing which the plaint shall stand rejected under Order VII Rule 11(b) of the Code of Civil Procedure, 1908.
- (iv) No order as to costs.

Uran

Date – 24.07.2026

S. P. Wankhade

(Civil Judge J. D. Uran)