

**CNR No:- MHSI100001192025**



**-: Regular Civil Suit No. 26/2025 :-**

**-: Order Below Exhibit-15 :-**

Defendant have filed present application under Order-VII Rule-11 of the Code of Civil procedure (hereinafter referred as 'CPC' in short) for rejection of plaint.

02. It is contended that the present suit seeks a declaration of ownership for house No. 66 and a permanent injunction against the defendant. However, the suit is alleged to be undervalued. The valuation of house No. 66-A and 66-B, formed from house No. 66, is stated to exceed Rs. 3,67,548/- (Rupees Three Lakh Sixty-Seven Thousand Five Hundred and Forty-Eight Only). Furthermore, house No. 66, having been divided into 66-A and 66-B, is no longer in existence, thereby rendering the subject matter of the suit non-existent. It is also contended that the Gram-Panchayat, Pikule, is a necessary party, yet it has not been added, leading to the assertion that the suit is barred by non-joinder of necessary parties. Lastly, it is claimed that insufficient Court fees have been paid. On these grounds, it is contended that the plaint is liable to be rejected as per Order-VII, Rule-11 (a)(b)(d) of the CPC, and thus, rejection of the plaint is prayed for.

03. On the other hand, the plaintiff has objected to this application by filing a say at Exhibit-31. It is contended that the application is false. The valuation of the suit house is asserted to be proper, as the suit is solely for declaration. Similarly, it is contended that house No. 66A and 66B were formed from house No. 66, and therefore, house No. 66 remains in existence. Accordingly, the

contention that the subject matter is not in existence is deemed false. It is also contended that the issue of non-joinder of necessary parties does not fall within the ambit of Order-VII Rule-11. Lastly, it is maintained that the valuation of the suit is proper and that appropriate Court fees have been paid. On these grounds, it is prayed that the application be rejected.

04. The application and say have been perused. The learned Advocate for the defendant and the learned Advocate for the plaintiff have been heard. They argued in accordance with the contents of the application and say, respectively, and therefore, their arguments are not reproduced herein.

05. As per the defendant, the plaint is undervalued, and insufficient court fees have been paid. However, in support of this contention, the defendant has not filed or produced any description of the applicable valuation and Court fees. The defendant has also failed to demonstrate by what provision the said house can be treated as insufficiently valued. Furthermore, it is necessary to mention that whether the suit is barred for non-joinder of necessary parties will be decided by framing necessary issues if the same has been pleaded by the defendant in his pleadings. Now, in respect of house No. 66, it is necessary to mention that, as per the plaintiff, house No. 66 is divided into A and B. However, as per the defendant, said division is illegal. Under such circumstances, whether house No. 66 was illegally divided and whether house No. 66 can be treated as in existence as a single house can only be decided after the evidence of both parties. Considering this, rejecting the plaint on the grounds mentioned in the application at this stage would be premature without taking into

consideration the evidence of the parties. These grounds can certainly be decided after the evidence. Hence, the application is liable to be rejected. Accordingly, I proceed to pass the following :-

-:: **ORDER** ::-

Application is rejected with costs.

(Dictated and pronounced in open Court.)

Place : Dodamarg.  
Date : 07/01/2026.

( Y. P. Bavkar )  
Civil Judge (Junior Division),  
Dodamarg.