

CNR No. MHSO06-00645-2026



ORDER BELOW EXHIBIT-19

This application is filed by defendant No.3 under Order VII Rule 10 of the Code of Civil Procedure. Application is filed on the following grounds:-

Plaintiff has filed suit for declaration and perpetual injunction. As plaintiff has mentioned Special Civil Suit in title clause therefore it was registered as Special Civil Suit. In fact, it cannot be registered as Special Civil Suit. As such it is just and necessary to return the plaint.

02. Though plaintiff has mentioned the suit as Special Civil Suit but prior to the pleadings in this suit he has intentionally avoided to mention the clause of Court Fees and jurisdiction. Plaintiff has failed to mention the valuation of the suit for the purpose of the subject of the suit and for pecuniary jurisdiction. But in order to mislead the Court, in Para No.11, it is mentioned by plaintiff that the valuation of suit property is more than Rs.5,00,000/-. It is not mentioned specifically.

03. In Para No.14, plaintiff has valued the suit for declaration as per Section 6 (iv) (j) of Court Fees Act as Rs.1,000/- and for perpetual injunction, it is valued at Rs.1,000/-. As such for the purpose of pecuniary jurisdiction, plaintiff has valued the suit at Rs.2,000/-. As the suit is filed for declaration, therefore, the valuation of subject matter for pecuniary jurisdiction and for Court Fees cannot be calculated separately as there is no such provision.

04. As per Section 25 of Maharashtra Civil Court Act, there is

special provision for the jurisdiction of Civil Judge, Senior Division. At the same time, as per Section 24 of said Act, the pecuniary jurisdiction of Civil Judge, Junior Division is up to Rs.5,00,000/-. If the valuation of suit is more than Rs.5,00,000/- then as per Section 25 of the said Act, the suit will be registered as Special Civil Suit. As per the pleadings in Para No.14 of the plaint, as the plaintiff has valued the suit for Rs.2,000/-, therefore, it should be registered as Regular Civil Suit and as per Section 24 of the said Act, it should be tried and disposed off by the Court of Civil Judge, Junior Division.

05. As per Section 15 of the Code of Civil Procedure, the suit should be instituted in the lowest Court to which is having jurisdiction to try and disposed off it. Therefore, plaintiff cannot choose the jurisdiction of the Court as per his wish. At the same time, this Court also cannot registered the suit. In fact, at the time of institution of the suit, it is the duty of Asst. Superintendent to consider this fact but he failed to do it. Therefore, his explanation is also necessary to be called.

06. After considering all above facts and circumstances, as the valuation of suit is below Rs.5,00,000/-, therefore, it should not be registered as Special Civil Suit and it cannot be tried by this Court. Hence, it is just and necessary to return the plaint to plaintiff to file it in appropriate Court.

07. If the pleadings in the plaint are perused, the plaintiff has drafted the suit in such a manner that, it should be tried by this Court and plaintiff can harass the defendants with this dishonest and illegal motive, the suit is filed. As plaintiff himself is Advocate, he intentionally misused the process of law. With an ill-motive he has registered the suit as Special Civil Suit. Therefore, amount of Rs.5,00,000/- to be imposed on plaintiff as costs. Out of that, Rs.2,50,000/- be paid to defendant Nos.1 and 2 and amount of Rs.2,50,000/- be paid to defendant No.3. Otherwise, the plaintiff

will again file false and bogus suit and will misused the process of law. Application is not supported by affidavit of defendant. There is no verification to the application.

08. At Exh.22 plaintiff has filed say and opposed the application on the ground that, according to defendant, this Court has no jurisdiction to entertain the suit, as instead of register the suit as Regular Civil Suit, the office wrongly registered it as Special Civil Suit. Plaintiff denied all the adverse allegations, contentions and insinuations made by defendant No.3 in the application.

09. With reference to para Nos.2, 4 and 6 of the application, it is denied that the suit cannot be categorized as Special Civil Suit. The plaintiff has explicitly stated in para 11 of plaint that, actual market value of the suit property is above Rs.5,00,000/-. Under Section 25 of the Maharashtra Civil Courts Act, the Civil Judge, Senior Division possesses unlimited pecuniary jurisdiction, where as the Junior Division is restricted to matters up to Rs.5,00,000/-. Because the actual market value of the subject matter exceeds the limits of the Court of Junior Division, this Court alone holds the appropriate pecuniary jurisdiction to try and decide this suit.

10. In para No.3 of application, it is contended by defendant that, in order to mislead the Court, plaintiff has not recorded in the upper portion of the plaint that, the suit is valued for the purpose of jurisdiction and the suit is valued for the purpose of Court Fees. There is no format to that effect and also there is no provision, for this purpose, form given in APPENDICES TO THE FIRST SCHEDULE FORMS, APPENDICES A, PLEADINGS (1) TITLE OF SUITS, as provided in the Code of Civil Procedure is correct. The administrative scrutiny by Asst. Superintendent was legal and valid as the plaint clearly demonstrate a subject matter value is excluding the pecuniary limits of the Court of Civil Judge, Junior Division. It is not the intention of plaintiff to mislead the Court as alleged

by the defendant in para 4 of the application.

11. With reference to para Nos.5 and 8 of the application, the plaintiff properly valued this suit for the purpose of jurisdiction and Court Fees. The plaintiff presented the suit for declaration that, the mortgage deeds are not binding upon him. Though the value of mortgage deeds in total is Rs.12 crores, it is not required for plaintiff to pay the Court Fees on the value of the mortgage deeds, only for the reason that recently our parent High Court held in the case of ***Dilip Khushalchand [Sirsirmal] Jain Vs. Hardik Deepakbhai Ramani, 2023 (3) ABR 672*** that in case of declaration when the plaintiff is not party to the documents which documents ask for cancellation or declaration of the document then proper Court Fees payable is in lieu of the provisions of Section 6 (iv) (j) of the Maharashtra Court Fees Act.

12. As such, plaintiff has properly valued the suit for the purpose of Court Fees and jurisdiction. The subject matter of suit is the suit property, the value of which is more than Rs.2 crores, as defendant No.3 purchased the suit property for the value of Rs.1,65,00,000/- vide sale deed registered on 18.09.2023 at serial No.5156/2023 in the office of Sub Registrar, Pandharpur. Said property is the subject matter of mortgage deeds. Defendant No.3 mortgaged the property for the value of Rs.7 crore and 5 crore. Plaintiff relies on the law laid down by the Hon'ble Supreme Court in the case of ***Begam Sahiba Sultan Vs. Nawab Mohammad Mansoor Ali Khan & Ors., AIR 2007 SC 1636*** that there is no doubt that at the stage of consideration of the return of plaint under Order VII Rule 10 of the Code what is to be looked into is the plaint and the averments therein. At the same time, it is also necessary to read the plaint in a meaningful manner to find out the real intention behind the suit.

13. This Court is having territorial jurisdiction as the property is situated within the jurisdiction of this Court. With regard to pecuniary

jurisdiction, it is reflected from the documents on record that, the subject matter of the suit property, that is the property which is mortgaged by defendant No.3 to Punjab National Bank with a presumption of at least Rs.12 crore. The declaration sought is with regards to the mortgaged property which valued more than Rs.12 crore and the deeds of mortgage are executed and registered for total amount of Rs.12 crore. Therefore, this Court has pecuniary jurisdiction to try and entertain the suit. The contentions raised by the defendant No.3 in the application with regards to jurisdiction are baseless. Therefore, there is no ground to return the plaint. The defendant with oblique motive filed this application to cause the delay to the hearing of suit.

14. For the purpose of jurisdiction, the plaint is to be valued according to the prayer clause in the plaint. In this case, the prayer clause is of injunction and therefore, jurisdiction is based with regards to the relief claimed. With regards to pecuniary jurisdiction, it is based on the value of the property. In this case, it is based on the value of subject matter. The subject matter is mortgage deed and for which plaintiff relied on the case of our parent High Court. As there is no grounds to return the plaint. Hence, prayed to reject the application by denying the application in *toto*.

15. Heard Ld. Advocate Shri. Deshmukh for defendant No.3. He has submitted that, defendant No.3 is borrower. If contents in Para Nos.1 and 2 of Exh.1 are perused, plaintiff has failed to mention the clause of valuation. In another suit No.25/2026, this plaintiff is defendant. Somebody else has filed this suit. In para Nos.1 to 5, plaintiff has failed to mention how he is having interest in the suit property. Rights of plaintiff are yet to be decided. No legal explanation of pecuniary jurisdiction is given. If prayer clause is perused, suit is filed for declaration. As per Section 24 and 25 of the Maharashtra Civil Courts Act, the jurisdiction of the Court of Civil Judge, Junior Division and Civil Judge, Senior Division is given. If Para No.7 of say of plaintiff Exh.22 is perused, plaintiff himself has

admitted that, he has sought declaration of the mortgage deeds which are valued for Rs.12 crore. But, he failed to value the suit accordingly. He has relied on the observations laid down by the Hon'ble Bombay High Court in the case ***Malgonda Annappa Parvate Patil Vs. Ramgonda Shivgonda Patil [1969] 71 BOM LR 582***. In this case the Hon'ble Bombay High Court has observed that, the plaint was returned for the presentation to the proper Court under the provisions of Order VII Rule 10 of Civil Procedure Code on the grounds that the plaintiff overvalued the suit and filed it in the Court of Civil Judge, Senior Division at Kolhapur. In that suit also plaintiff has sought declaration and injunction. As per Order VII Rule 1 (i), it was the duty of plaintiff to make a statement of the value of the subject matter of the suit for the purpose of jurisdiction and Court Fees. In paragraph 17 of Chapter II of the Civil Manual issued by the High Court provides : the plaintiff shall state in the plaint or in the memorandum annexed thereto the value of the subject matter of the suit, as required by Rule 1 (i) of Order VII and also how and under what provision the valuation has been arrived at. Where it is not clear how the valuation is arrived at, the Officer examining the plaint should place the matter before the judge for order. Section 15 is enacted by legislature not merely to avoid over crowding in the higher Courts but also for the convenience of parties and witnesses who may be examined by them.

16. He has further relied on the observations laid down by the Calcutta High Court in the case of ***Chandi Charan Das Vs. Smt. Sushila Bala Das AIR 1955 Calcutta 144***. Wherein the Hon'ble Calcutta High Court has observed that, the subject matter of the suit is not the property in respect of which the plaintiff claimed relief but the relief itself. The Suits Valuation Act was passed by the legislature to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of the Court with respect there to.

17. Heard Ld. Advocate Shri. Deshpande for the plaintiff. He has

submitted that, if the observations laid down by the Hon'ble Bombay High Court in the case of **Dilip Khushalchand** are perused, it is observed by the Hon'ble Bombay High Court that Section 6 (iv) (ha) would be applicable only to the plaintiff who is a party to the sale deed seeking declaration of avoidance of sale deed. It would not be applicable to the plaintiffs who are not party to the instrument seeking declaration of avoidance of the sale deed. Such plaintiff would be governed by Section 6 (iv) (j) as it is not susceptible to monetary evaluation. As plaintiff is not party to the mortgage between defendant No.3 and defendant Nos.1 and 2. Therefore, he has valued suit as per Section 6 (iv) (j) of the Act. Hence, the objection raised by defendant No.3 is to be rejected. Further, he has relied on the observations laid down by the Hon'ble Supreme Court in the case of **Begam Sahiba Sultan Vs. Nawab Mohammad Mansoor Ali Khan and Ors..** In this case, the Hon'ble Apex Court has observed that, there is no doubt that, at the stage of consideration of the return of the plaint under Order VII Rule 10 of the Code what is to be looked into is the plaint and the averments therein. At the same time, it is also necessary to read the plaint in a meaningful manner to find out the real intention behind the suit. The nature of the suit and its purpose have to be determined by reading the plaint as a whole. It must be borne in the mind that, the function of a pleading is only to state material facts and it is for the Court to determine the legal result of those facts and to mould the relief in accordance with that result. He has further submitted that, as per the observations laid down by the Hon'ble Bombay Court in the case of **Malgonda** it is observed that it is clear from these provisions that the rule of valuation under Section 8 cannot apply to a suit of which Section 6 (iv) (j) is applied.

18. He has further submitted that, if Section 24 and 25 of the Maharashtra Civil Court Act are perused, Court of Civil Judge, Junior Division cannot entertain the suit having valuation more than Rs.5,00,000/- but there is no bar to the Court of Civil Judge, Senior Division as it is

having inherent jurisdiction. Further, plaintiff has sought declaration regarding the mortgage deeds. If the mortgage deeds are perused, those are regarding amount of Rs.12 crore. Considering these facts also the Court of Civil Judge, Senior Division is the only Court having pecuniary jurisdiction to try this suit. Lastly, he has relied on the observations laid down by the Hon'ble Bombay High Court in the case of **Anuradha Pankaj Dhoot Vs. Monika Kondya Karela @ Monika Soma Wad and Ors.** in which the Hon'ble Bombay High Court has observed that the plaint can be legitimately return for presentation to the proper Court under Order VII Rule 10 of the Code. If the Court in which it is instituted lacks jurisdiction. The Court of Civil Judge, Senior Division is not a Court of limited jurisdiction. Undoubtedly, the suits having the suit claim falling within the pecuniary limits of Rs.5,00,000/- have to be instituted before the Civil Judge, Junior Division. However, that does not necessarily imply that the Court of Civil Judge Senior Division has no jurisdiction to try the suit having the suit claim below the threshold of Rs.5,00,000/-. Section 15 of the Code enacts a rule of procedure. Section 15 does not affect the jurisdiction of a Court of higher grade to try the suit entertainable by a Court of lower grade. A court of higher grade is not bound to return the plaint under the provisions of Order VII Rule 10. It is discretionary on the part of the Court of higher grade to try the suit itself or to return the plaint for presentation before the Court of lower grade.

19. Lastly, he has submitted that, considering the observations in the case of **Anuradha Dhoot** even though as per the submissions of defendant No.3 the suit is valued below Rs.5,00,000/-. The pecuniary jurisdiction of this Court cannot be denied. No doubt, the Court of Civil Judge, Junior Division cannot entertain the suit above the valuation of Rs.5,00,000/- but that analogy is not applicable to the Court of Civil Judge, Senior Division. At the last, he prayed to reject the application.

20. Perused Sections 24 and 25 of the Maharashtra Civil Courts

Act as well as Section 15 of the Code of Civil Procedure. As per Section 24 of the Maharashtra Civil Courts Act the jurisdiction of a Civil Judge, Junior Divisions extends to all original suit and proceedings of a civil nature wherein the subject matter does not exceed its amount or value Rs.5,00,000/-. As per Section 25 of the Act, a Civil Judge, Senior Division in addition to his ordinary jurisdiction shall exercise a special jurisdiction in respect of such a suits and proceedings of a civil nature as may arise within the local jurisdiction of the Courts and wherein the subject matter exceeds the pecuniary jurisdiction of the Civil Judge, Junior Division.

21. After perusal of these two sections, Section 25 of the Maharashtra Civil Courts Act has given special jurisdiction to the Court of Civil Judge, Senior Division in addition to his ordinary jurisdiction. As such there is no bar to entertain the suit of having ordinary jurisdiction. Further, as per Section 15 of the Code of Civil Procedure, every suit shall be instituted in the Court of lowest grade competent to try it. If, the submissions of Ld. Advocate Shri. Deshpande are considered that, this plaintiff is claiming declaration regarding the mortgage deeds of Rs.12 crore then if the plaint is return to the Court of Civil Judge, Junior Division, how can that Court will be empowered to entertain the suit. Further, if the observations laid down by the Hon'ble Bombay High Court in the case of **Anuradha** are perused, it is specifically observed by the Hon'ble High Court that, the suit claim falling within the pecuniary limits of Rs.5,00,000/- have to be instituted before the Civil Judge, Junior Division. However, that does not necessarily imply that the Court of Civil Judge, Senior Division has no jurisdiction to try the suit having the suit claim below the threshold of Rs.5,00,000/-. Further, it is observed that, Section 15 does not affect the jurisdiction of a Court of higher grade to try the suit entertainable by a Court of Lower Grade.

22. Considering the above law laid down by the Hon'ble Bombay High Court as well as provisions of Section 24 and 25 of the Maharashtra

Civil Courts Act as there is no bar to try the suit of valuation of Rs.5,00,000/- by the Court of Civil Judge, Senior Division. Hence, the application filed by defendant No.3 under Order VII Rule 10 of the Code of Civil Procedure is devoid of merits. I therefore, pass following order:-

ORDER

Application filed by defendant No.3 under Order VII Rule 10 of the Code of Civil Procedure is rejected.

02. Costs in cause.

Date : 01.07.2026

(M. B. Kulkarni),
2nd Civil Judge, Senior Division, Pandharpur.

C E R T I F I C A T E

I affirm that contents of this PDF file Order /Judgment are word to word same, as per the original Order /Judgment.

Name of the Stenographer	: Shripad N. Chilka
Name of the Court	: 2 nd Jt. Civil Judge, Sr. Division, Pandharpur.
Judgment / order signed by the Presiding Officer on	: 01.07.2026
Judgment / Order uploaded on	: 01.07.2026