

ORDER BELOW EXH. NO. 16 IN R.C.S. NO. 140/2016

(Ganesh Patil Vs. Mahadev Patil)

(Passed on : 01/03/2021)

1. Present application filed by defendant and stated that, the present suit is filed for recovery of possession of the suit properties mentioned in para 8 of plaint as 1A and 1B. However, suit is not properly valued by the plaintiff and deficient court fee stamp has been attached by the plaintiff as per section 6(5) of Maharashtra Court Fee Act. Suit properties should be valued as per their market value. Accordingly, the market value of the suit properties are 13 lakh rupees and plaintiff has not given proper court fee stamp on it. Therefore, defendant prayed that, as plaintiff has given deficient court fee stamp, plaint may be returned to the plaintiff. Hence the application.

2. Plaintiff has filed his say and stated that, plaintiff has paid proper court fee stamp by valuing the suit properties correctly. The present application is filed by the defendant for the purpose of delaying matter. Hence, he prayed for rejection of the present application.

3. Perused the application and say. It is the contention of the defendant that, suit properties are not properly valued and plaintiff has given deficient court fee stamp. For that purpose, issue regarding the same can be framed and suit will be deciding accordingly. As section 9A of C.P.C. has already been deleted, therefore the question of preliminary issue is also not arise. Therefore, at this stage I am of the view that, the said issue can be deciding on the merit of the suit during the trial. As per objection of the defendant at this stage plaint is not required to be returned to the plaintiff. Issues regarding whether the suit is properly valued will be framed and will be considered accordingly. Hence, I pass following order.

ORDER

1. Application at Exh. No. 16 is hereby rejected.
2. No order as to costs.

(Dictated and pronounced in open court.)

Date: 01/03/2021
Place: Pandharpur.

(Smt. R. G. Kumbhar)
5th Jt. C.J.J.D. & J.M.F.C.,
Pandharpur

CERTIFICATE

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

Name of the Stenographer : M. P. Gheradi, Steno L.G.

Court Name :5thJt.C.J.J.D. & J.M.F.C., Pandharpur.

judgment signed by the P.O.on :01/03/2021

judgment uploaded on :02/03/2021