



**Common Order passed below Exh. 21, 26, 27 & 30 in RCS No. 283/2018**

1. These applications are filed by defendants No. 1 to 4 for rejection of plaint under Order VII Rule 11(b) of the Civil Procedure Code (in short “CPC”). The Plaintiff has filed say at Exh. 33. Heard Advocates for both sides. Perused the record.
2. It is submitted by Defendants in all these applications that, the valuations shown by plaintiff in the plaint of suit properties is old and new valuation is not pleaded in the plaint. Therefore the suit is valued as per old and for less valuation. Thus, suit is undervalued and court fee annexed is also insufficient. Therefore, they prayed to reject the application.
3. The Plaintiff objected the application stating that, plaintiff has valued suit as per valuation given by Sub-Registrar, Pandharpur about suit properties. This valuation is as per valuation prevailing at the time of filing of suit. If it is found that plaintiff has paid less court fee stamp, it can be recovered at the time of judgment and while the suit is pending it can not be rejected as per Order 7 Rule 11 of the CPC. It is also submitted by plaintiff if any court fee stamp is found to be deficit, they are ready to pay deficit court fee stamp.
4. After hearing arguments by both sides and after perusal of plaint the plaintiff has valued in suit in paragraph No.10 of the plaint.

While deciding application under Order 7 Rule 11 of the CPC only pleadings in the plaint are to be seen. Other material can not be perused. However, to determine valuation of the suit, valuation of properties which are subject matter of the dispute is necessary to be looked into. In the present suit plaintiff has included three properties which are situated at Pandharpur. Land properties bearing Gat No. 124/2B/1/A/5 admeasuring 2R, Gat No. 22/2/2/A/2/A/18 admeasuring 5R alongwith dwelling house and Gat No. 101/B1/42 admeasuring non-agricultural land of 248.63 sq. meters. The plaintiff pleaded that all three properties are valued at Rs. 15,50,000/-. The share of the plaintiff is valued at Rs. 1,29,167/-. There is additional prayer of permanent injunction and therefore suit is valued at Rs. 1,30,167/-. Accordingly court fee stamp of Rs. 7230/- is annexed.

5. The defendants objected this valuation and stated that, plaintiff has used old valuation of 11/04/2016 for filing suit in the year 2018. Alongwith list at Exh. 4/4 to 4/6 the plaintiffs have filed three reports given by Sub-Registrar, Pandharpur about suit properties. The reports are of dated 11/04/2016 while the suit is filed on 04/07/2018. It is prevailing practice by the Government to determine valuation of all immovable properties on 1<sup>st</sup> April of each year by issuing ready-reckoner. From 11/04/2016 till 04/07/2018 two years have been lapsed. Certainly the valuation of immovable property will increase over the period of 02 years.

6. In the plaint, plaintiffs have pleaded that land bearing Gat No. 22/2/2/A/2/A/18 admeasuring 5R has dwelling house into it. However, after perusal of valuation report at Exh.4/5 the valuation of any construction much less of house is not calculated. Prima facie

valuation reports filed on the record and pleadings in the plaint are not in consonance. The defendants have pleaded that, all three properties are not open land but has construction onto it. Defendants have filed commencement certificate or construction permission certificate in respect of Gat No. 101/B1/42 given by Pandharpur Municipal Council dated 05/02/2018 vide list with Exh.20 at serial No.16. At serial No. 15 the sale deed in respect of Gat No.101/B1/42 is filed. The sale deed is executed on 21/06/2017. The valuation report given by Sub-Registrar Office regarding this Gat number is annexed on page No.18 of the sale deed. It shows the valuation of Rs. 7,60,807.8/-. The suit is filed after this valuation.

7. Thus, apparently from the documents filed by both parties it appears that the valuation pleaded by the plaintiff is incorrect. It is necessary to determine the correct valuation of the suit. The valuation of the subject matter of present suit is valued incorrectly by the plaintiffs. Hence, for determination of correct valuation an inquiry as to valuation of the suit is necessary as per Sec. 8 of the Maharashtra Court Fees Act. After conducting inquiry and seeking valuation report from the concerned authority as on the date of filing of the suit i.e. 04/07/2018 it will be possible to value the subject matter of the suit correctly. The provision under Order 7 Rule 11(b) of the CPC is made with an intention that, the plaintiff seeking relief before the Court shall annex appropriate court fee stamp and suit shall not be under valued. If the suit is found to be under valued and plaintiff fails to correct the valuation within stipulated time period, then the plaint can be rejected under Order 7 Rule 11(c) of the CPC. Thus, this provision is interim and this application is required to be decided at the earliest stage of

the suit. It can not be decided at the time of judgment as submitted by plaintiffs in their say. Hence, for the reasons mentioned above, following order is passed.

**ORDER**

1. The inquiry under Sec. 8 of the Maharashtra Court Fees Act is conducted by the Court to determine valuation of the suit.
2. Plaintiff is directed to submit valuation report of suit properties alongwith construction upon it, if any, from the office of Sub-Registrar, Pandharpur of dated 04/07/2018.
3. Plaintiff is directed to submit the report on the next date.

Pandharpur.  
Date: 23.08.2024

**(S. S. Raul)**  
2<sup>nd</sup> Jt. Civil Judge Junior Division,  
Pandharpur.

**CERTIFICATE**

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

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|---|---|---|
| Name of the Stenographer                          | - | A.B. Sandrook                                   |
| Court   | - | 2 <sup>nd</sup> Jt. CJJD & JMFC,<br>Pandharpur. |
| Date of Judgment/Order                            | - | 23.08.2024                                      |
| Judgment/Order signed by the Presiding Officer on | - | 23.08.2024                                      |
| Judgment/Order uploaded on                        | - | 23.08.2024                                      |