

**Order On Exh. 69 in Regular Civil Suit No. 115 of 2012**  
**(Dattatraya Ghavane Vs. Vachala Ghavane)**

With instant application vide Order VII Rule 11 (b) and (c) defendants seek rejection of plaint contending that plaintiffs have failed to abide by order of this Court vide exhibit 46 regarding proper valuation and payment of court fees. Defendants submit that plaintiffs have failed to putforth correct valuation as per directions of the Court and have failed to correctly value the suit and therefore plaint needs to be rejected. The defendant No.2 has filed an affidavit in support of application alongwith written argument.

2. Plaintiffs opposed application contending that they have correctly valued the suit as per order on exhibit 46 within the time prescribed and therefore the application needs to be rejected. They further submit that the defendants earlier filed similar application at exhibit 54 and later on not pressed it therefore, they are estopped from reagitating the grievance.

3. Heard Ld. advocates at length. Perused record.

4. On 04.07.2014 defendants raised objection contending that plaintiffs have failed to correctly value the court fees payable vis-a-vis relief claimed and therefore the plaint needs to be rejected.

5. By order dtd. 01.08.2014 this Court directed to the plaintiffs for proper valuation of court fees and payment thereon. It was specifically held that the plaintiff No.2 needs to pay court fees upon her half share on the valuation of Rs. 2,67,000/- as per Section 6 (iv)(ha) of the Bombay Court Fees Act. In pursuance of the order the plaintiffs paid deficit court fees as per the directions of this court on 01.08.2014. Thus, the fact is clear that the plaintiffs have scrupulously followed directions of this Court in respect of payment of necessary court fees within stipulated period. Hence, application is rejected.

Sd/-  
(J.M.Dalvi)

Date : 30/01/2018

Civil Judge Senior Division, Barshi

Certificate

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

Name of Stenographer	:-	D.S.Landage.
Court	:-	Civil Court,S.D.,Barshi.
Date	:-	30/01/2018
Judgment/Order signed by the Presiding Officer	:-	30/01/2018
Judgment/Order uploaded on	:-	31/01/2018