

Order below Exh. 38 in Regular Civil Suit No. : 80/2017.

1. Perused application, say of the plaintiff filed at Exh. 49. Heard both parties.

2. Defendant No. 8 to 12 have filed this application under Order 7, Rule 10 of Civil Procedure Code and submitted that this court has no pecuniary jurisdiction to try and entertain this suit and therefore the plaint is required to return to the plaintiff for presenting before competent court, who has pecuniary jurisdiction.

3. The plaintiff has filed her say at Exh. 49 and submitted that, this court has pecuniary jurisdiction to try and entertain of this suit, in view of relief claimed by the plaintiff. Therefore the plaintiff prayed for rejection of this application.

4. I have perused the averment made in the plaint. The plaintiff has filed this suit for partition and separate possession, perpetual injunction and relief of declaration with prayer that deed executed in the year of 1998 and 2015 are not binding upon the plaintiff. I am of the opinion that, in view of relief claimed by the plaintiff, this court has

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Reg. Civil Suit No. : 80/2017.
(Vaishali v/s. Harubai & ors)
Exh. 38.

pecuniary jurisdiction to try and entertain of this suit. As the plaintiff is not seeking relief of cancellation of these deeds. Therefore I am of the opinion that, there is no merit in this application and same is liable to be rejected. Hence I pass the following order.

:: ORDER ::

Application is rejected.

Date : 11.11.2019. (V. N. Girwalkar)
Civil Judge Junior Division, Wai.