

ORDER BELOW EXH. 44

Defendant Nos. 1, 4 and 8 have filed this application seeking rejection of the plaint under Order VII Rule 1(i) and Rule 11(a), (b) and (c) of the Civil Procedure Code on the ground that the valuation made by the Plaintiff in Paragraph 19 of the plaint is vague, uncertain and improper.

02. The Defendants contend that in Paragraph 19 of the plaint, the Plaintiff has stated that the suit valuation has been made for purposes of court fee, jurisdiction, advocate fee, injunction, partition and possession, and that the total valuation is assessed at ₹11,44,104/-. However, according to the Defendants, this valuation is vague, uncertain, ambiguous and without meaning. They argue that unless the valuation is properly and legally made as per the requirements of the CPC, 1908 the Court Fees Act, and the Suit Valuation Act, the suit cannot proceed.

03. Based on this contention, the Defendants request that the Plaintiff be directed to amend and properly state the valuation of the suit and its subject matter in a clear and lawful manner. They further submit that if the Plaintiff fails to comply, the plaint should be rejected under Order VII Rule 11 CPC. Thus, the core grievance of the Defendants is that the suit lacks proper valuation and therefore is not maintainable in its present form.

04. The Plaintiff has filed a written reply opposing the application. The Plaintiff contends that the application filed by the Defendants is false and not genuine.

05. The Plaintiff states that the objection raised by the Defendants regarding valuation of the suit is baseless. It is asserted that the valuation in the plaint has been clearly and properly stated in Paragraph 19, where the Plaintiff has explained that the suit has been valued for purposes such as court fees, jurisdiction, declaration, injunction, partition, and possession, and that the valuation of ₹11,44,104/- has been assessed correctly. The Plaintiff contends that appropriate court fees have been paid in accordance with Sections 6(v) and 6(vii) of the Maharashtra Court Fees Act.

06. The Plaintiff further contends that the description of the properties and the reliefs claimed including partition and separate possession is sufficiently clear. According to the Plaintiff, the Defendants are raising frivolous and ill-motivated objections only to delay the proceedings, despite the valuation and pleadings being in proper form and legally sufficient. Therefore, the Plaintiff prays that the Defendants' application be dismissed with costs.

07. The learned advocate appearing for Defendant Nos. 1, 4, and 8 submitted that the valuation adopted by the Plaintiff for the purpose of court fees is not in accordance with law and is excessively inflated. He submitted that the suit properties consist primarily of agricultural lands, and therefore, the valuation is necessary to be carried out strictly by applying the method prescribed under the Maharashtra Court Fees Act, 1959. According to the statutory scheme, whenever the subject matter of the suit relates to agricultural land—particularly in suits for partition, declaration of rights, possession, or injunction, the valuation must be based upon the revenue assessment of the land multiplied by the factor fixed

under the statute, and not on the basis of the alleged or assumed market value.

08. The learned advocate for the defendants emphasized that under Section 6(v) and Section 6(vii) of the Maharashtra Court Fees Act, the valuation of agricultural land is statutorily tied to the revenue assessment and not to a market-based figure. The Plaintiff, however, has valued the suit at ₹11,44,104/- without demonstrating how this computation was derived and without reference to the land revenue assessment applicable to the suit properties.

09. The learned advocate for the defendants submitted that this inflated valuation appears to have been done arbitrarily and contrary to the statutory mandate, resulting in excessive court fees being shown on record. He further submitted that valuation cannot be speculative or artificial, and that compliance with the statutory method of valuation is mandatory.

10. The learned advocate for the defendants argued that such overvaluation has legal consequences under Order VII Rule 11(b) and (c) of the Code of Civil Procedure, as the plaint does not disclose a proper and lawful method of valuation. Therefore, the Plaintiff must be directed to revalue the suit Correctly. Until then, it was urged that the plaint cannot proceed further and is liable to be rejected if the Plaintiff fails to correct the valuation in accordance with the provisions of law.

11. The learned advocate for the defendants further argued that the excessive and arbitrary valuation adopted by the Plaintiff does not merely affect the present proceedings but also carries a substantial financial implication for the Defendants in the future. He

submitted that if the suit continues on the basis of such inflated valuation, and in the event the Defendants are required to file any future proceedings such as an appeal, or cross-objection based on the final adjudication in this suit, the Defendants would be compelled to pay court fees calculated on the same inflated valuation. Thus, the overvaluation adopted by the Plaintiff would effectively burden the Defendants with an unnecessarily exorbitant court fee at a later stage, which is neither contemplated nor required under the law.

12. The learned advocate for the defendants argued that valuation of a suit is not merely a formality for the purpose of assessing court fees at the filing of the suit, but it also has a continuing legal consequence throughout subsequent proceedings. Therefore, the Plaintiff cannot unilaterally choose an inflated valuation contrary to the statutory scheme prescribed under the Maharashtra Court Fees Act. Doing so prejudices the rights of the Defendants, creates an inequitable burden, and results in avoidable financial hardship.

13. The scope of Order VII Rule 11 CPC is limited and it permits rejection of the plaint only when the plaint on its face is barred by law, discloses no cause of action, is undervalued, or where insufficient court fees have been paid despite opportunity for correction.

14. On examining Paragraph 19 of the plaint, it is seen that the Plaintiff has expressly stated the valuation of the suit and has assessed it at ₹11,44,104/-. Further, the Plaintiff asserts in written reply to this application that the valuation as well as payment of

court fees has been made in accordance with Sections 6(v) and 6(vii) of the Maharashtra Court Fees Act.

15. Whether such valuation is accurate or whether further court fee is payable is a matter which can be examined at a later stage under the provisions of the Maharashtra Court Fees Act. At this stage, unless the plaint is demonstrably undervalued and the Plaintiff has failed to correct valuation despite direction of the Court, rejection under Order VII Rule 11 cannot be invoked.

16. It is very clear that Order VII Rule 11 (b) or (c) CPC applies only in cases of undervaluation or non-payment of required court fee, and failure to correct valuation after direction of the Court, and not where the plaint is allegedly overvalued. An overvaluation does not render the plaint defective so as to attract rejection under Order VII Rule 11. The learned advocate for the defendants in the course of his argument referred the cases of **Shetkari Sahakari Ginning and Pressing Society Limited vs Municipal Corporation, Amravati & Anr. 2014(6) ALL MR 853** and **Lokesh s/o Ramraoji Navghare & Anr. vs. Janardhan s/o Haribhau Bhisikar & Anr. 2014(7) ALL MR 36.**

17. The Hon'ble Supreme Court in **Kamaleshwar Kishore Singh v. Paras Nath Singh, AIR 2002 SC 233**, held that valuation must be determined based on the plaint as framed, unless it demonstrates deliberate attempt to evade proper Court fees. However, in the present case, the grievance raised concerns excess valuation, not undervaluation or evasion.

18. Further, the Hon'ble Bombay High Court in **Akola Janata Commercial Co-operative Bank Ltd. v. Prema Satish Purohit, 2017 All**

MR (Cri) 231, clarified that valuation objections must be examined under the provisions of the Court Fees Act and Suit Valuation Act and that pecuniary jurisdiction consequences flow only when valuation is corrected, not merely alleged. In the said case, the suit was filed before the Court of Civil Judge Junior Division.

19. In addition, the Defendants have also filed a separate application under Section 8 of the Maharashtra Court Fees Act and Section 11 of the Suit Valuation Act, seeking an inquiry into the correctness of the valuation made in the plaint. Since the Defendants have already invoked the statutory mechanism by filing a separate application under Section 8 of the Maharashtra Court Fees Act and Section 11 of the Suit Valuation Act, the question of correctness of valuation is already sub-judice and will be determined appropriately in those proceedings.

20. Resultantly, the present application invoking Order VII Rule 11 CPC is liable to be rejected.

ORDER

1. Application (Exh.44) is rejected.
2. The objection regarding valuation shall be considered separately in the pending application under Section 8 of the Maharashtra Court Fees Act read with Section 11 of the Suit Valuation Act, in accordance with law.
3. No order as to costs.

Wai
Date: 08.12.2025

(**A.G.Deshmukh**)
Civil Judge Senior Division, Wai
Dist-Satara.