

R. C. S No. 14/2025
C.N.R. NO.MHWR070005182025
Sujata & ors.
Vs. Shri Ramdeo Baba Associates + 1

ORDER BELOW EXH.14
(Passed on 29/07/2025)

The defendants have filed this application for rejection of plaint under Order 7, Rule 11(b)(c) of the Code of Civil Procedure. Perused the application and reply filed thereon by the plaintiffs. Heard the learned Advocates appearing for both the parties.

2. The defendants submitted that the plaintiffs have filed this suit for declaration, permanent injunction and mandatory injunction. However, the plaintiffs have not properly valued the suit and pay proper court fee as per the provisions of the Maharashtra Court Fees Act. Therefore, the defendants have prayed to reject the plaint under Order 7 Rule 11(b)(c) of the Code of Civil Procedure.

3. On the other hand, the plaintiffs have strongly opposed the application. They contended that they have properly valued the suit and paid requisite court fees for the reliefs claimed. They further contended that the defendants have filed this application only to prolong the matter. The plaintiffs therefore prayed to reject the application.

4. In view of rival submissions, the following points arise for determination. I have recorded findings thereon for the reasons stated below :-

<u>Sr.</u> <u>No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the plaint is liable to be rejected under Order 7, Rule 11 of the Code of Civil Procedure ?	.. No.
2.	What order ?	.. As per final order.

REASONS

As to Points No. 1 and 2 :-

5. It is well settled principle of law that while deciding an application for rejection of plaint under Order 7 Rule 11 of the Code of Civil Procedure, the Court has to consider only the averments made in the plaint and not the defence raised in the written statement. The plaintiffs have filed this suit for declaration, permanent injunction and mandatory injunction.

6. It is argued by the learned Advocate for the defendants that the plaintiffs have valued this suit under Section 6(iv)(j) of the Maharashtra Court Fees Act. It is argued that the plaintiffs are seeking declaration regarding sale deed dated 30/07/2024 and therefore, the plaintiffs should have valued the suit under Section 6(iv)(ha) of the Maharashtra Court Fees Act. Hence, it is argued that the plaint is liable to be rejected.

7. In support of his argument, the learned Advocate for the defendants relied upon the judgment in case of **M/s.Prism Reality vs.**

Mr. Govind Yashwant Khalade & ors. 2015(5) All M.R. 620. In the said judgment, the Hon'ble Bombay High Court held that Section 6(iv)(j) applies to the suits which have been filed for declaration other than those sought in earlier sections with or without injunctions or other consequential relief and subject matter in dispute is not susceptible of monetary evaluation. Whereas Section 6(iv)(ha) applies to the suit which have been filed for avoidance of sale, contract for sale etc.

8. In view of the above cited judgment, it is clear that Section 6(iv)(ha) of the Maharashtra Court Fees Act applies to the suits for declaration that any sale, contract for sale or termination of contract for sale, of any movable or immovable property is void. In the present suit, there is a pleading of the plaintiffs regarding the sale deed dated 30/07/2024 executed in favour of the defendants in respect of the suit property. However, the plaintiffs have not sought any relief of declaration in respect of the sale deed 30/07/2024. The plaintiffs have not sought the declaration that the said sale deed is invalid, void ab-initio and not binding on them etc. in the present suit. Therefore, they are not required to value the suit under Section 6(iv)(ha) of the Maharashtra Court Fees Act. Hence I state with due respect that the above cited judgment is not applicable to the present suit.

9. On going through the prayer clause of the plaint, it is seen that the plaintiffs sought the declaration that the defendants cannot dispossess them from the suit field without filing of suit for partition and separate possession of the suit field and without taking recourse of law. They have not sought any kind of declaration in respect of the

sale deed dated 30/07/2024. Therefore, the relief of declaration claimed by the plaintiffs is not susceptible of monetary evaluation. It therefore appears that the suit is properly valued by the plaintiffs under Section 6(iv)(j) of the Maharashtra Court Fees Act and paid the proper court fees as well. Resultantly, the plaint is not liable to be rejected under Order 7 Rule 11 of the Code of Civil Procedure. Hence, I answer point No.1 in negative.

As to Point No.2 :-

10. In view of finding recorded against point No.1, this application deserves to be rejected. Hence, in answer to point No.2, I pass the following order.

ORDER

- 1) The application Exh.14 is rejected.
- 2) Cost in main cause.

(*Dictated & pronounced in the open Court.*)

Pulgaon.

Date. 29/07/2025

(P. B. Palaspagar)
Civil Judge, Junior Division,
Pulgaon.

CERTIFICATE

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

Name of the Stenographer :- Sau.S.M.Kesharwani
Name of the Court :- Civil Judge, Jr. Dn., Pulgaon
Date of Order/Judgment :- 29/07/2025
Judgment/Order signed by the :- 29/07/2025
Presiding Officer on
Order/Judgment uploaded on :- 29/07/2025