

MHYA150005182021



**ORDER BELOW EXH. 21 IN REG.CIVIL SUIT NO. 22/2021**

1] This is an application under Order VII Rule 11 of Code of Civil Procedure by defendant.

2] It is pleaded by the defendant that, the plaintiff has instituted suit for recovery of market fee of Rs. 4,71,062/- only against the defendant. The plaintiff has pleaded that, Rs. 4,71,062/- is outstanding against the defendant. After perusal of plaint no where cleared as to which market fees is outstanding against him nor plaint is supported by any document which can show that market fee is outstanding the said pleading is missing in government audit. Period of outstanding is not mentioned therefore, no hesitation to say that suit is simple filed for recovery of so called amount. The plaintiff insufficiently affix the court fee stamp of Rs. 3508/- only on other hand the plaintiff should have affix Rs. 14030/- only therefore want of sufficient court fee suit is liable to be rejected.

3] The plaintiff by submitting say at Exh.21 denied all contentions of defendant according to plaintiff after filing evidence this application is not tenable the plaintiff has properly valued court fees and accordingly paid sufficient stamp fee therefore application is liable to be rejected.

4] Heard both the parties. On rival contentions raised by both the parties, and documentary evidence produced on record,

following points arise for my determination and I record my findings thereon with reasons are as under –

<u>Sr. No.</u>	<u>Point</u>	<u>Findings</u>
1.	Whether the defendant has proved that the suit is liable to be rejected as per order VII rule 11 of the code of the civil procedure ?	Negative.
2.	What order ?	As per final order.

### REASONS

#### As to Point No. 1 -

5] It is admitted to both side that, the plaintiff is A.P. M.C. Ner upon perusal of plaint it is pleaded by the plaintiff that, it works to provide the facility to the license holder businessman of A.P.M.C. Ner for that it takes some consideration from the businessman the defendant being license holder businessman has outstanding amount of Rs. 4,71,062/-. That amount was repeatedly demanded by the plaintiff for that amount the defendant paid cheque which was dishonored, and now by way of instituting this suit the plaintiff is praying to recover that amount, that means the plaintiff is demanding recovery of market fees of A.P.M.C. Ner, from the defendant and as per Section 6 (iv)(a) of Maharashtra Court fees Act 1/4th of ad valorem fee is leviable on the amount sought to be recovered comes to the Rs. 3508/- therefore, the court fees paid by the plaintiff is proper and the application is liable to be rejected, therefore, I answer point No. 1 in negative. In the result in

answer to point No. 2, I ordain as follows :-

**ORDER**

- 1] The application at Exh. 21 is rejected.
- 2] No order as to costs.

(Dictated and pronounced in the open Court.)

**Ner.**  
**Date: 25/06/2024.**

**(V.S. Shinde)**  
**Civil Judge J.D. Ner.**