

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL (ST) NO. 30104 OF 2017

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's order
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CORAM : V. R. Kachare
REGISTRAR (JUDL-II)

Date : 19/11/2018

Learned Advocate for Appellant present

The office has raised objection that the Appellant has not paid proper court fee. According to the office, the suit valuation is of Rs.5,01,940/-. Therefore, court fee stamp of Rs.14,630/- is required to be paid. However the Appellant has paid Rs.7,115 is short.

The learned Advocate for the Appellant states that the plaintiff has valued the suit in trial Court for Rs.5,01,940/- and affixed court fee of Rs.7,515/- under provisions of Section 6 (iv) (ha) of the Bombay Court Fees Act and said court fee is proper court fee. He requested to remove said objection.

I have gone through the record. It reveals that the suit was filed by the Appellant for declaration and also sought the relief for

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mandatory injunction. However, the Appellant has claimed that they are in possession of the suit property and has not claimed possession. Further, the Appellant has also sought perpetual injunction against the Respondent as not to create any third party interest in the suit property. Considering the relief sought by the Appellant in original suit and after going through provisions under Section 6 (iv) (d) of the Bombay Court Fees Act, I found that the present suit is in the category of said proviso under section 6 (iv) (d) of the Bombay Court Fees Act. Therefore, in this matter one-half of ad valorem fee requires to be paid. Considering the valuation of the suit i.e. Rs.5,01,940/-, ad valorem comes to Rs.14,630/- and one-half of ad valorem comes to Rs.7,315/-. The Appellant has paid amount of Rs.7,515/- as court fee which is appropriate one. Thus, objection raised by the office stands removed. Office to proceed further.

sd/-

REGISTRAR (JUDL-II)