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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: January 21, 2010

Date of Order: January 29, 2010

+ CM(M) 841/2009

%

Syed Iqbal Ahmad

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Kailash Singhal & Ors.

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

29.01.2010

...Petitioner

...Respondents

2.

%

+ CM(M) 842/2009

Syed Iqbal Ahmad

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Rajesh Gupta & Ors.

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

...Petitioner

...Respondents

3.

%

+ CM(M) 843/2009

Syed Iqbal Ahmad

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Ashok Kumar & Anr.

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

...Petitioner

...Respondents

4.

%

+ CM(M) 844/2009

Syed Iqbal Ahmad

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Pawan Kumar Jain & Anr.

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

...Petitioner

...Respondents

4

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

5.
%

+ CM(M) 845/2009 a

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus -

Shri Vishal Gupta & Anr.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

6.
%

+ CM(M) 846/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Rahul Kashyap & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

7.
%

+ CM(M) 847/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Smt. Veermati Rana & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

8.
%

+ CM(M) 848/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Smt. Veerniati Rana & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

9.
%

+ CM(M) 849/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Smt. Premwati & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

10.
%

+ CM(M) 850/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Smt. Vineeta Gupta & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

11.
%

+ CM(M) 851/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Vinod Aggarwal & Anr.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

12.
%

+ CM(M) 852/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

6

Shri Rajesh Rana & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

13.
%

+ CM(M) 853/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Mahavir Pd. Gupta

...Respondent

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

14.
%

+ CM(M) 855/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Subhash Aggarwal & Anr.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

15.
%

+ CM(M) 856/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Satpal Malhotra & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the
respondent No. 2 in item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the
respondent no. 2 in item No. 39.

16.
%

+ CM(M) 857/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

7

Smt. Neha Bajaj & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

17.
%

+ CM(M) 858/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Smt. Vineeta Gupta & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

18.
%

+ CM(M) 859/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Smt. Sangeeta Rana & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

19.
%

+ CM(M) 860/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Ram Niwas Aggarwal & Anr.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.
Mr. Akhil Mittal, Advocate for respondent in Item No. 24.
Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.
Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

20.
%

+ CM(M) 861/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

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Versus

Smt. Sangeeta Rana & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

21.
% **+ CM(M) 862/2009**

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Ramesh Agarwal & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

22.
% **+ CM(M) 863/2009**

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Rajiv Rana & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

23.
% **+ CM(M) 864/2009**

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Som Nath

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

24.
% **+ CM(M) 865/2009**

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

9

Versus

Shri Jai Prakash Rana & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

25.
%

+ CM(M) 866/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Sanjeev Kumar & Anr.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

26.
%

+ CM(M) 867/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Vinod Gupta & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

27.
%

+ CM(M) 868/2009

Syed Iqbal Ahmad

...Petitioner

Through: Mr.S.M. Abid Naqvi, Advocate

Versus

Shri Pradeep Jain & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

28: + CM(M) 869/2009
%

Syed Iqbal Ahmad
Through: Mr.S.M. Abid Naqvi, Advocate

10
...Petitioner

Versus

Shri Prabhat Kumar Singh & Ors.

...Respondents

Through: Mr. Ashutosh Lohia, Advocate for respondent except Item No. 24.

Mr. Akhil Mittal, Advocate for respondent in Item No. 24.

Mr. Manoj Kumar, Advocate for Mr. V.K. Tandon, Advocate for the respondent No. 2 in Item No. 13.

Ms. Sonia Arora, Advocate for Mr. P.N. Dhar, Advocate for the respondent no. 2 in item No. 39.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. This order shall dispose of all the above petitions preferred by the petitioner.
2. By the above petitions under Article 227 of the Constitution of India, the petitioner has assailed the order dated 27th April, 2009 passed by learned trial court.
3. Succinctly stating the facts relevant for purpose of deciding the above petitions are that the petitioner herein filed a civil suit before the Court of learned Additional District Judge seeking declaration, possession, permanent and prohibitory injunction against the respondents who were in possession of plots of land in Mahendroo Enclave, Delhi. The petitioner staked a claim on the various plots of lands where respondents had built up their houses and were living, on the ground that the he was the owner of the land underneath. The petitioner valued the suit for the purpose of jurisdiction while filing suit before the learned ADJ at Rs.3,05,000/- for a plot of land ad measuring 400 sq yards. When the learned ADJ asked the plaintiff (petitioner herein) as to what was the basis of valuation, the counsel for the

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petitioner told the Court that he had valued the property at Rs.300 per sq. yards. This was the value written in para 59 of the plaint also. Since the petitioner had given the value of land @ Rs.300 per sq yards and the plot was measuring 400 sq yards (The same was the situation in all suits filed before learned ADJ), the learned ADJ observed that the total value of the plot would come to Rs.1,20,000/- @ Rs.300 per sq. yards and if the relief of declaration, injunctions valued at Rs.200/- each+Rs.130+Rs.130 was also added, the total value would be Rs.1,20,400/-. He, therefore, considered that he had no jurisdiction to entertain the suits since his jurisdiction was of cases falling above Rs.3 lac. He, therefore, sent the cases to learned District Judge for sending the cases to the Court of Civil Judge for trial. The petitioner herein also filed independent suits before the learned Civil Judge valuing land @ Rs.300/- per sq. yard. Thus all the suits were before the Civil Judge where the petitioner had valued the property at Mahendroo Enclave, Delhi, claiming ownership and possession, @ Rs.300 per sq. yards.

4. It is not in dispute that since the petitioner has claimed relief of possession, declaration and permanent injunction etc. the suit was to be valued ad valorem on the basis of market value of the property for the purpose of jurisdiction and Court fee. The learned Civil Judge found that the suit has been highly undervalued. The suit was for possession and declaration and the rate of the land as given by the petitioner at Rs.300 per sq. yards in a prime area of North Delhi falling at G.T. Karnal Road was much below the market value. The suit was filed in the year 2007. Learned Civil Judge observed that on the basis of circle rate of the area, the value of land in that area would be around Rs.20,000/- per sq. yards and, therefore, the suit was highly undervalued and he returned the plaint to plaintiff so that the plaintiff may appropriately value the suit for the purpose of jurisdiction and Court fee and file the same in appropriate court. Against this order, the petitioner preferred an appeal before the Court of ADJ and took the plea that it was the discretion of the petitioner to value the suit for the purposes of jurisdiction and the court fee and the petitioner

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had correctly valued the suit. The other plea taken by the petitioner was that once the learned ADJ had returned the plaint on the ground that the Civil Judge has jurisdiction, this decision of learned ADJ became res judicata and the Civil Judge had no right to return the suit. Both these pleas did not find favour with the learned ADJ and the learned ADJ dismissed the appeal observing that the previous order of learned ADJ returning the plaint would not amount to res judicata and the Civil Judge had jurisdiction to determine the issue of court fee and jurisdiction. He also came to conclusion that the learned Civil Judge rightly returned the plaint since the plaint was highly undervalued.

5. The learned counsel for the petitioner argued that the learned ADJ as well as learned Civil Judge went wrong in considering the market value of the property on the basis of circle rates. It is submitted that the circle rate was not reflective of the true value of the property. The value of the land which he claimed has to be determined on the basis of award of Land Acquisition Collector passed in respect to the adjoining land acquired by the Government, while this land of the petitioner was not acquired. He placed a copy of award in respect of adjoining land and stated that his valuation was a correct valuation.

6. Sub-sections of section 7 of The Court Fees Act contemplate three modes of valuation of subject matter. These are: (i) market value viz. market value of the property or claim, (ii) subject matter of the suit with no market value, or (iii) estimate by plaintiff or according to amount at which relief sought is valued. There is no doubt that a suit for property qua which the relief of possession and declaration is sought, the valuation has to be done on the basis of market value of the property on the date of filing of the suit. The plea of petitioner's counsel that the valuation has to be on the basis of award of the adjoining land is a baseless plea. The award relied upon by the petitioner is in respect of year 1964 valuing the land as on 1964. The award itself shows that the valuation in the award was as on the date of acquisition

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i.e. of 1964. Thus, the valuation of 1964 of the agricultural land of that area cannot be the market value of a plot of land falling in residential colony in the year 2007, the possession of which is now sought by the petitioner. Since the petitioner is seeking possession in the year 2007 of a plot of land from the respondent which falls in residential colony and claims ownership over this plot of land (whatever be the basis of his claim) he has to value the suit in accordance with the market value of land as on date of filing of the suit. The petitioner has placed on record one award in respect of land at Burari, Delhi. This award is 02LAC/N/05-06 whereby the land was acquired for biodiversity park in the year January 2004. This award filed by the petitioner shows that the land acquired by LAC of Village Burari was a vacant land and it was not a land of residential colony. Even this land was acquired @ Rs.10,000/- per sq. yards in January, 2004. Even going by this award, which the petitioner himself relies, the value of land of 400 sq yards of land in the residential colony falling on GT Karnal Road, a known industrial and residential area of North Delhi, would be much more in 2003-04 than Rs.10,000/- per sq yards.

7. The circle rate as determined by the government in the year 2007 was Rs.21,800/- per sq. yards in respect of the land in question i.e. Mahendroo Enclave. The contention of counsel for petitioner that the circle rate was not reflective of the true value is absolutely correct. The circle rate is always much less than the actual prevalent market rates. Even this circle rates was not reflective of true value of 2007 in the area as in actuality the market rate in the area was much more than Rs.1 lac per sq yards approximately.

8. The petitioner's valuing of the suit at Rs.300/- per sq yards was unrealistic and the learned Civil Judge as well as the learned ADJ rightly came to conclusion that this valuation was to be rejected. It is settled law that jurisdiction and the Court fee does not depend on the form of pleadings but depends on the real substance of relief claimed. Under Section 7 (v) of The Court Fees Act, a suit where possession of

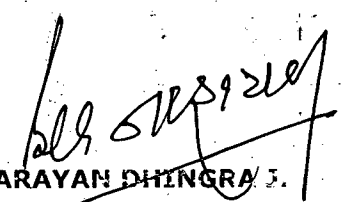
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land/ house is prayed for, the valuation has to be done as per the market value prevalent at that time. The jurisdiction of the Court is basic concern of the Court, whether or not an objection is raised by the defendant. The Court is supposed to consider jurisdictional and court fee aspect before commencing the trial of a case and ensure that it has jurisdiction to proceed with the case. It is not advisable that the Court should, after holding the entire trial, come to a conclusion that it had no jurisdiction to conduct the trial in the case.

9. In view of my foregoing discussion, I consider that all the above petitions must fail. There is no infirmity in the orders of learned Civil Judge as well as of learned ADJ. The suits filed by the petitioner were deliberately undervalued in order to evade the court fee and to place the matter before the Court of wrong jurisdiction. The were rightly returned to the plaintiff (petitioner herein) to be properly valued and affixing proper court fee.

10. In the result, all the above petitions are hereby dismissed with costs of Rs.10,000/- for each petition.

January 29, 2010
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SHIV NARAYAN DHINGRA J.