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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 44/2015**

RAJ PAL

..... Appellant

Through: Mr. V.K. Khurana, Advocate.

versus

PRAHLAD & ORS

..... Respondent

Through: Mr.Sudhir Kumar Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

% **15.01.2016**

This is an appeal filed for setting aside the impugned order dated 24.01.2015, passed by Sh. G.N. Pandey, ADJ-02 (NE) KKD, Delhi in Suit No. 3/2015 titled as 'Raj Pal Vs. Prahlad and Ors.'

Learned ADJ rejected the plaint of the appellant on the ground that the valuation of the suit for partition ought to have been fixed at Rs. 23 lacs instead of Rs. 18 lacs. With the consent of the learned counsel for the parties, the order dated 24.01.2015, rejecting the plaint on the ground of being deficiently valued is set aside with direction to the appellant that he shall file an undertaking to the effect that he shall pay his deficient court fee on the differential value to the extent of his share, in case the court after framing of an issue with regard to the valuation comes to the conclusion against the appellant.

With these directions, the appeal stands disposed of.

Copy of the order be given dasti to counsel for the parties. Copy of the order be also sent to the trial court. Trial court after furnishing

of the undertaking shall proceed with the matter in accordance with law.

List before the learned trial court on 1st February, 2016, at 2.00 p.m.

V.K. SHALI, J

JANUARY 15, 2016 / N