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

+ **CS(OS) 494/2016**

MR RAJINDER PAL KHOSLA & ORS Plaintiffs

Through None.

versus

M/S THE DELHI GOLF CLUB LTD & ORS Defendants

Through None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **11.08.2017**

CS(OS) 494/2016 & IA Nos.11898/2016, 11899/2016, 11900/2016, 11901/2016, 11902/2016, 11903/2016, 11904/2016

1. None appears for the plaintiffs despite pass over.
2. The plaintiffs have filed this suit for declaration and consequential reliefs. The plaintiffs have valued the suit for the purposes of jurisdiction and court fee at Rs. 1875 crores.
3. Since appropriate court fee was not affixed on the Plaint, the Registry on 23.09.2016, had raised an office objection that the court fee, payable on the plaint, would be Rs. 18,30,02,586/- and as insufficient court fee was paid returned the file with office objection, requiring the plaintiff to cure the defects within one week.

4. The Plaintiff requested the registry to put up the matter before court subject to office objection. The matter was put up before court on 23.09.2016.

5. On 23.09.2016, this Court had noted the objections raised by the Registry, and in view of valuation mentioned in Paragraphs 96 and 97 found the objection to be correctly raised.

6. On 26.09.2016, the plaintiff had sought to withdraw the suit with liberty to file afresh. This prayer was made contending the same to be against the backdrop of the observation recorded on 23.09.2016. In view of an earlier suit having been withdrawn on 22.09.2016, with liberty to file a fresh, this court directed the plaintiff to file an appropriate application.

7. On 25.11.2016, the application of the plaintiff seeking leave to withdraw the suit with liberty to file afresh was dismissed by a detailed speaking order.

8. Despite the Registry raising the objections on 23.09.2016 that court fee in the sum of Rs. 18,30,02,586/- is payable and this Court, on 23.09.2016 holding that the objections raised by the Registry is

correct, the requisite court fee has not yet been paid. The office objection dated 23.09.2016 required the plaintiffs to remove the objections and re-file the case within one week. Objection has not been removed and appropriate court fee has not been paid within the period granted.

9. Since the plaintiffs have failed to pay the court fee, as required by the Registry, within a period of one week, as directed, the plaint is rejected under Order 11(c) of the Code of Civil Procedure.

SANJEEV SACHDEVA, J

Later Mr Deepak Khosla, Plaintiff No. 2 in person, has appeared and has been apprised of the order.

SANJEEV SACHDEVA, J

AUGUST 11, 2017
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