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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(OS) 29/2018  
RITA JETLY & ORS ..... Plaintiffs  
Through: Mr. A.K. Sharma, Adv.

Versus  
DEEPAK JETLY ..... Defendant  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **24.01.2018**

**IA No.1143/2018 (for exemption)**

1. Allowed, subject to just exceptions.
2. The application is disposed of.

**CS(OS) 29/2018 & IA No.1144/2018 (u/O XXXIX R-1&2 CPC)**

3. The three plaintiffs have instituted this suit for permanent injunction restraining the defendant from selling, transferring, alienating any portion of property No.K-15, Model Town, Delhi-110009 measuring 272 sq. yds.
4. The suit is listed today, subject to the office objection as to the valuation and court fees paid.
5. The plaintiffs have valued the suit for the purposes of jurisdiction, as per valuation of the property as per circle rates prescribed by the Delhi Government at Rs.3,42,00,000/- and have paid "fixed court fees" of Rs.50/-.
6. I have enquired from the counsel for the plaintiffs, how the court fees paid and valuation is in accordance with law.

7. The counsel for the plaintiffs states that the plaintiffs are in possession of part of the property which under the Will of the common predecessor of the plaintiffs and the defendant has been bequeathed to the plaintiffs.
8. Save for making the said argument, no other argument has been raised and no law cited, notwithstanding the suit having been got listed subject to office objection.
9. The provisions of Section 7(iv)(d) of the Court Fees Act, 1870 and Section 8 of the Suits Valuation Act, 1887 are unambiguous in a suit for injunction, the valuation for the purposes of court fees and jurisdiction has to be the same.
10. The counsel for the plaintiffs is unable to cite any provision of law which permits the plaintiffs to value the relief of permanent injunction differently for the purposes of court fees and jurisdiction.
11. The plaintiffs, if desire to avail of the jurisdiction of this Court, have to value the suit for the purposes of court fees also at Rs.3,40,00,000/- as has been valued for the purposes of jurisdiction and to pay *ad voleram* court fees thereon.
12. The plaintiffs are not willing to pay *ad voleram* court fees.
13. The suit is not correctly valued for the purposes of court fees and jurisdiction and does not bear the requisite court fees.
14. Resultantly, the plaint is rejected.

No costs.

**RAJIV SAHAI ENDLAW, J.**

**JANUARY 24, 2018/bs..**