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

+ I.P.A. 53/2013

PATLIPUTRA CREDIT AND SECURITIES LTD Petitioner
Through Mr. Om Prakash, Advocate

versus

PRAKASH CHANDRA YADAV & ANR Respondents
Through Mr. Nitesh Jain with Ms. Shruti
Pandey and Mr Abhinav Mukhi,
Advocates

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Date of Decision: 23rd April, 2018

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present suit has been filed for possession, recovery of damages and mesne profit of Flat No. 307, 3rd Floor, Adeshwar Apartments, 34, Ferozshah Road, New Delhi.
2. Initially, the suit was filed by the plaintiff as in *forma pauperis*.
3. This Court vide a detailed order dated 28th August, 2017 dismissed the plaintiff's application under Order 33 Rule 1 CPC. However, this Court permitted the plaintiff to deposit the shortfall in the court fees

within three months. The matter was directed to be listed on 11th December, 2017.

4. Thereafter the plaintiff filed two applications being I.A. 14717/2017 and I.A. 14718/2017.

5. While I.A. 14717/2017 has been filed under Order 6 Rule 17 for amendment of the plaint seeking to reduce the amount of court fee payable relying on the Notification of the circle rate dated 15th November, 2011, I.A. 14718/2017 has been filed seeking extension of another three months to arrange the amount of court fees.

6. Admittedly, the time for additional three months as prayed for in I.A. 14718/2017 has already expired and no court fee has been deposited. Consequently, application being I.A. 14718/2017 has become infructuous and it accordingly stands disposed of.

7. As far as the application seeking amendment of plaint is concerned, this Court is of the view that the plaintiff cannot value the suit on the basis of the circle rate prevalent in 2012 as the plaintiff's application under Order 33 Rule 1 CPC was dismissed by this Court on 28th August, 2017 and even if the present suit is entertained, the plaintiff would have to value the suit at the present value of the property. Accordingly, the application being I.A. 14717/2017 is also dismissed.

I.P.A. 53/2013

8. Since the shortfall in the court fees has not been paid/deposited in accordance with the order dated 28th August, 2017 and the application for extension of time has already been infructuous inasmuch as the extended time sought for has also been expired, present suit needs to be dismissed.

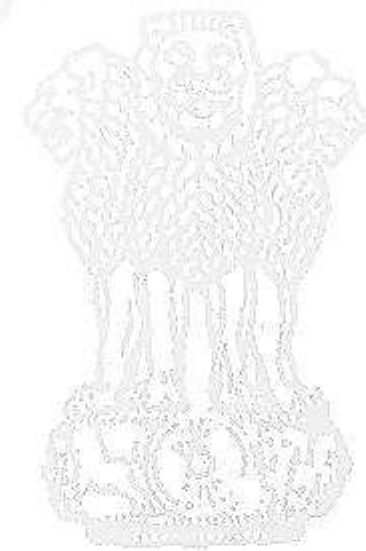
9. At this stage, learned counsel for the plaintiff states that the plaintiff be given one week to deposit the shortfall in the court fees.

10. The conduct of the plaintiff inspires no confidence as despite the order dated 28th August, 2017, the shortfall in the court fees has not been deposited. This Court is of the view that the intent of the plaintiff is to somehow prolong the present proceedings. Accordingly, the present suit is dismissed.

APRIL 23, 2018

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MANMOHAN, J



नस्यमेव जयते