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

+ **CS(OS) 64/2020, IA No.2154/2020(u/O.XXXIX R.1&2 CPC) &
IA No.2155/2020(exemption)**

SARABJIT SINGH

..... Plaintiff

Through: Mr. Tanmaya Mehta with Ms. Gauri Rishi,
Ms. Srishti Juneja, Mr. Kartik Bhagat, Advs.

versus

PARAMJIT SINGH & ANR.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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14.02.2020

1. The plaintiff has sued his father and brother, for permanent injunction, to restrain the defendants from selling Flat No.B-601, Som Vihar Apartments, R.K.Puram, Delhi.
2. The suit, in para 3.46 of the plaint, is valued for the purposes of jurisdiction at Rs.2,44,85,400/-, being the value of the flat as per circle rates, but Court fees only of Rs.1,000/- has been affixed on the plaint.
3. The Registry of this Court raised an objection as to valuation and Court fees.
3. The counsel for the plaintiff, notwithstanding the said objection made an endorsement in her own hand to the effect that as per 2015 (5) CGLJ, appropriate court fees had been paid and the suit be listed for admission.
4. The counsel appearing for the plaintiff today seeks to withdraw the suit with liberty to file afresh.

5. The suit is dismissed as withdrawn with liberty to file afresh on the condition that the plaintiff, in the new suit / proceeding if any filed, prominently pleads the filing of the present suit and withdrawal thereof and along with the fresh suit / proceeding, files a copy of the plaint and today's order in the present suit.

6. Dasti.

RAJIV SAHAI ENDLAW, J

FEBRUARY 14, 2020

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