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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1/2020, IA No.20/2020(u/O.XXXIX R-1&2 CPC) &**
IA No.21/2020((u/S.151 CPC)

ASHOK KUMAR PANWAR Plaintiff
Through: **Mr. Amit Singh Tanwar, Adv.**

versus

FERAY RAM & ORS. Defendants
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **06.01.2020**

1. The plaintiff has sued his father, mother and youngest brother, namely
(i) Feray Ram, (ii) Smt. Resham Devi, and (iii) Manoj Kumar, for:

“(A) pass a decree for permanent injunction in favour of the plaintiff and against the defendants and thereby restraining the defendants, their family members, their associates, their assignees, their attorneys, their agents, etc. from interfering in the peaceful possession of the plaintiff and his tenants in property no.A-1, Shiva Tower, Khajuri Chowk, Khajuri Khas, Delhi-90 admeasuring 200 Sq.Yd. as shown in red in the site plan annexed herewith.

(B) pass a decree for permanent injunction in favour of the plaintiff and against the defendants and thereby restraining the defendants, their associates, their assignees, their attorneys etc. from creating any third party interest in respect of the in property no. A-1, Shiva Tower, Khajuri Chowk, Khajuri Khas, Delhi-90 as shown in red in the site plan annexed herewith.

(C) cost of the suit may also be awarded in favour of the plaintiff.”

2. The suit, per paragraph 35 of the plaint is valued at Rs.2,01,00,000/- for the purposes of pecuniary jurisdiction and Rs.130/- for the purpose of Court fees and Court fees of Rs.1529/- is affixed on the plaint.
3. The Registry of this court raised an objection in this regard.
4. The counsel for the plaintiff however made an endorsement on the paper book that this suit be listed subject to objection and that he will satisfy this Court with respect to the valuation and Court fees.
5. However, the counsel for the plaintiff, upon being asked to satisfy, has made arguments contrary to Court Fees Act, 1870 and Suits Valuation Act, 1887 and evidently without even having the Bare Acts and without having studied the same and ultimately states that he withdraws the suit with liberty to file before the appropriate Court.
6. This suit is yet another instance of the misconception unfortunately prevailing among the lawyers, of a suit for permanent injunction requiring Court fees of Rs.13/- only, whichever Court it may be filed in.
7. Attention of the counsel for the plaintiff in this regard is drawn to the dicta of this Court in ***Sarvinder Singh Vs. The Chief Manager, Punjab National Bank*** 2019 SCC OnLine Del 11782, in which the said issue has been dealt with.
8. The suit is dismissed as withdrawn with liberty aforesaid.
9. A copy of this order be forwarded to the defendants.

RAJIV SAHAI ENDLAW, J

JANUARY 06, 2020

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