

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CMP No. 829 OF 2022**

*Manjulika Das and another* ..... *Petitioners*  
Mr. Soumya Sekhar Parida, Advocate  
-versus-  
*Raj Kishor Singh and others* ..... *Opp. Parties*

**CORAM:**  
**JUSTICE K.R. MOHAPATRA**

**ORDER**  
**25.11.2022**

**Order No.**

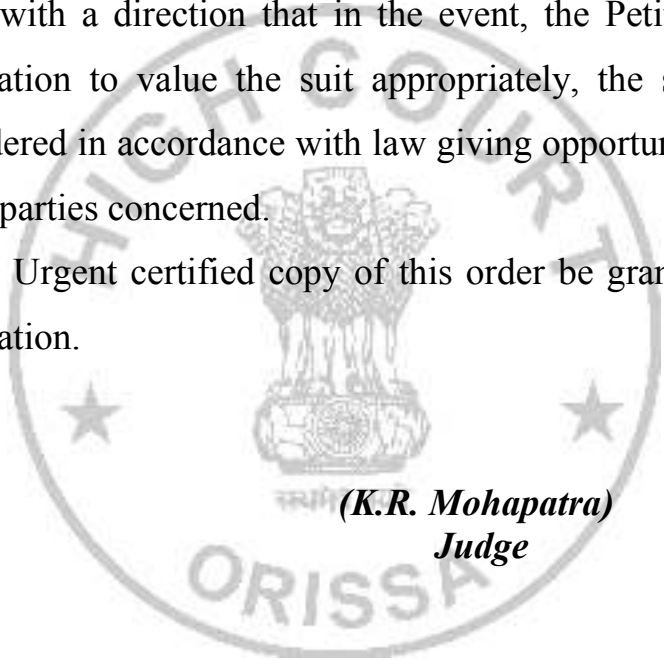
6. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this CMP seek to assail the order dated 6<sup>th</sup> May, 2022 (Annexure-4) passed by learned Civil Judge (Junior Division), Jharsuguda in C.S. No.115 of 2021, whereby a direction has been made to the Plaintiffs-Petitioners to amend the valuation of the suit as per the market value of the property for the year, 2020-21.
3. Mr. Parida, learned counsel for the Petitioners referring to Section 7(iv)(c) of the Court Fees Act, 1870 submits that the Petitioners have to pay the ad valorem court fee as per valuation of the suit. But in the instant case, the Petitioners are not parties to the document declaration against which has been sought for. Thus, in view of the ratio decided in the case of *Suhrid Singh – v- Randhir Singh and others*, reported in AIR 2010 SC 2807, they can value the suit as per their choice. But, when the suit is demonstratively undervalued, the Court can interfere with the same and direct the Petitioner to value the suit accordingly. However, learned trial Court has committed an error in directing

the Petitioners to value the suit as per the market price of the property for the year, 2020-21. Hence, direction of learned trial Court to that extent is not correct and is liable to be set aside.

4. In course of hearing, Mr. Parida, learned counsel for the Petitioners submits that interest of justice will be best served, if the Petitioners file an application to value the suit appropriately before learned trial Court and prays for a direction to dispose of the same in accordance with law.

5. In view of such submission, this Court disposes of the CMP with a direction that in the event, the Petitioners file an application to value the suit appropriately, the same shall be considered in accordance with law giving opportunity of hearing to the parties concerned.

Urgent certified copy of this order be granted on proper application.

The seal of the High Court of Orissa is a circular emblem. It features the Ashoka Lion Capital in the center, flanked by two stars. The text 'HIGH COURT' is written in an arc at the top, and 'ORISSA' is written in an arc at the bottom. In the middle, below the lion capital, is the Odia word 'ସାମି' (Sami).  
**(K.R. Mohapatra)**  
**Judge**

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