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

+ **CS(OS) 845/2023 & I.A. 25529-25532/2023**

PARAMJIT SINGH

.....Plaintiff

Through: Mr. Prashant Kumar and Ms. Himani
Sharma, Advocates

versus

BHAI JOGA SINGH TRUST AND ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **03.09.2024**

I.A. 25530/2023 (under Section 149 CPC read with Section 151 CPC for seeking extension of time to file Court fee)

1. The present suit has been filed on 06.12.2023 for declaration, mandatory injunction and damages for a sum of Rs. 2 crores. In the plaint at paragraph '28', the plaintiff has valued the said reliefs and asserts the liability to pay Court fee of Rs. 1,99,180/-.
2. However, no Court fee was paid and instead I.A. No. 25530/2023 was filed on 12.12.2023 under Section 149 CPC seeking extension of time to file requisite fee. In the application, it was pleaded that steps to procure the Court fee have already been taken and the same shall be filed upon receipt.
3. The matter was thereafter listed on 29.01.2024 and 23.02.2024, however, no proceedings were held and the matter was adjourned at the request of the plaintiff. Thereafter, on 03.05.2024, the plaintiff unequivocally undertook to deposit the Court fee within two (2) weeks i.e.,

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on or before 17.05.2024 as contemplated in proviso to Order VII Rule 11 CPC. However, no Court fees has been filed despite grant of time.

4. The plaintiff today once again seeks time to deposit the Court fee. The suit was filed on 15.12.2023 and the plaintiff has in the past eight (08) months failed to deposit the requisite Court fee. In addition, the plaintiff now seeks permission to withdraw the suit with liberty to file a fresh suit on the same cause of action.

5. In the opinion of this Court, since the plaintiff has failed to deposit the Court fee, no grounds for extension of time is made out. The application for extension of time is accordingly dismissed.

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6. The plaint is hereby rejected under Order VII Rule 11(c) CPC. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 3, 2024/msh/AKT

Click here to check corrigendum, if any