



\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.R.P. 39/2025 & CM APPL. 7048/2025**

RAJNI

.....Petitioner

Through: Mr. Balram Singh & Ms.
Nisha Ranga, Advs.

versus

ROHTAS SINGH

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **06.02.2025**
CM APPL. 7049/2025 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 39/2025 & CM APPL. 7048/2025

3. The present petition is filed challenging the order dated 28.11.2024, whereby the application filed by the petitioner under Order 7 Rule 11 Code of Civil Procedure, 1908 ('CPC') was dismissed.
4. The application under Order 7 Rule 11 of the CPC was filed contending that appropriate court fees has not been filed and the plaintiff has not done the valuation of the suit as per the High Court Rules, which is important for the purpose of pecuniary jurisdiction. The defendant contended that nothing was pleaded in the plaint in regard to court fees payable for maintaining the suit.
5. The learned counsel for the petitioner submits that the application was dismissed on an erroneous presumption. He



submits that the arguments raised in the application were not considered by the learned Trial Court.

6. This Court notes that the suit was filed in the year 2021 and the application under Order 7 Rule 11 of the CPC was filed belatedly in the month of August, 2024. In the meantime, the trial had proceeded and on being asked, it is informed that the matter is now listed for final argument of the petitioner.

7. Considering the above, this Court does not consider it apposite to entertain the present petition at this stage when the matter is listed for final arguments.

8. The petitioner is permitted to take all arguments as raised in the present petition, before the learned Trial Court.

9. The learned Trial Court is directed to pass a final order uninfluenced by observations made in the impugned order.

10. The petition is disposed of with the aforesaid observations.

AMIT MAHAJAN, J

FEBRUARY 6, 2025

“SK”