HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 673/2025
CNR: RJHC020229252025 | URN: CFA / 1056U / 2025

Manisha Ujjwal D/o Narpat Singh Ujjwal, Wife Of Narendra Singh, Aged About 52 Years, Resident Of Ujjwal Niwas, Paota Jodhpur-342001, Presently Residing At 8327, 133A, Street Surrey Bc V3W9E2 Canada Through Her Power Of Attorney Holder Pawan Kumar Sharma S/o Chand Ram Sharma Aged About 50 Years, Resident Of S-1, C9/528, Chitrakoot, Vaishali Nagar, Jaipur-302021.

----Plaintiff-Appellants

Versus

1. Narpat Singh Ujjwal S/o Late Zorawar Singh, Resident Of Ujjwal Niwas, Paota, Jodhpur -342001.

Defendants-Applicant-Respondent

2. M/s. Energia Homes Llp Having Registered Office No. 304, 3Rd Floor, Sanklp Tower, Khatipura Road, Vaishali Nagar, Jaipur, Rajasthan-302021, Through Authorized Signatory Ankur Kothari S/o Dhanpat Singh Kothari, Aged About 38 Years Resident Of Rajul Augusta, Flat No. 701/702, Plot No. 92A, Neminagar Colony, Opposite Yamaha Showroom, Vaishali Nagar, Jaipur, Rajasthan-302021.

----Defendants-Respondent

For Appellant(s)	:	Ms. Meenal Bhargava for Mr. JP Goyal, Sr. Adv.
For Respondent(s)	:	Mr. Gaurav Sharma for Mr. Prahlad Singh

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

19/11/2026

1. Instant first appeal is preferred by the appellant-plaintiff, Aggrieved from judgment and decree dated 09.01.2025 passed by Learned Additional District Judge No.3, Jaipur Metropolitan-I, in Civil Suit No.8/2024 (CIS No.82/2024), whereby on an application

under Order VII Rule 11 of CPC, preferred by the respondent-defendant, the suit of the plaintiff was rejected.

2. Considered the submissions of the learned counsel appearing on behalf of the appellant and learned counsel appearing on behalf of the respondents-defendants.

3. The plaintiff has filed a suit for declaration, partition and permanent injunction, but respondent No.1-defendant has filed an application under Order VII Rule 11 read with Section 151 of CPC and Section 35 of the Rajasthan Court Fees and Suit Valuation Act, 1961, raising objections about the valuation and payment of improper court fees, along with other objection about maintainability of suit.

4. Learned counsel for appellant has submitted, that under the instruction of the appellant, she has no objection to revise the valuation and make payment of court fees. She also submitted that the appeal may be allowed by permitting the appellant-plaintiff to amend the plaint.

5. Learned counsel appearing on behalf of the respondent-defendant has no objection in case, the plaint has been amended with payment of proper court fees.

6. The application under Order VII Rule 11 CPC which has been filed by the respondent No.1-defendant was primarily been filed under Rule 11 (b) and (c) of Order VII CPC. Rule 11 (b) and (c) provides the Court to give time to correct valuation and supply the requisite court fees. In case, the plaintiff failing to correct valuation and supply the court fees then only the plaint can be rejected under Order VII Rule 11 of CPC.

7. Defendant No.1 has also raised an objection about non-maintainability of the suit under Sections 6 and 8 of Hindu Succession Act, and the Trial Court, after considering the provision of Sections 6 and 8 of Hindu Succession Act, has opined that no cause of action has arisen to the plaintiff.

8. Learned counsel for the parties have agreed that this issue may be kept open and may be decided afresh on an application after the suit is amended and filed before the Trial Court.

9. Having considered the submissions, the instant first appeal is allowed with consent of the counsel for the parties and the impugned judgment and decree dated 09.01.2025 is set aside and the matter is remitted back to the Trial Court for permitting the plaintiff to amend the prayer and valuation with additional payment of proper court fees. The defendants are at liberty to raise legal grounds as permissible to them and the Trial Court shall consider the same in accordance with law.

10. The parties are directed to appear before the Trial Court on 14.12.2026.

11. Accordingly, the first appeal, along with miscellaneous application stands disposed of.

(ASHOK KUMAR JAIN),J

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