HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Revision Petition No. 217/2026
CNR: RJHC010736222026 | URN: CR / 533U / 2026

1. Mehraj Mohammed S/o Late Kazi Ata Mohammed, Aged About 51 Years, R/o Kajiyon Ka Chok, Nagaur, Tehsil District Nagaur, Rajasthan
2. Taj Mohammed S/o Late Kazi Ata Mohammed, Aged About 63 Years, R/o Kajiyon Ka Chok, Nagaur, Tehsil District Nagaur, Rajasthan
3. Makaboor Mohammed @ Makabul Mohammed S/o Late Kazi Ata Mohammed, Aged About 52 Years, R/o Kajiyon Ka Chok, Nagaur, Tehsil District Nagaur, Rajasthan
4. Naik Mohammed S/o Late Kazi Ata Mohammed, Aged About 56 Years, R/o Kajiyon Ka Chok, Nagaur, Tehsil District Nagaur, Rajasthan
5. Shakir Mohammed S/o Late Kazi Ata Mohammed, Aged About 50 Years, R/o Kajiyon Ka Chok, Nagaur, Tehsil District Nagaur, Rajasthan

----Petitioners

Versus

1. Ikramudeen S/o Samiuddin, R/o Kajiyon Ka Chok, Tehsil Districtnagaur, Rajasthan.
2. Ramjaan Mohammed S/o Late Kazi Ata Mohammed, R/o Kajiyon Kchok, Nagaur, Tehsil District Nagaur, Rajasthan.
3. Nagar Parishad Nagaur, Through Commissioner, Nagar Parishad, Nagaur.
4. Nagar Parishad Nagaur, Through Sabhapati, Nagar Parishad, Nagaur.

----Respondents

For Petitioner(s) : Dr. RDSS Kharlia
Ms. Sonu Kumari

For Respondent(s) : -

HON'BLE MR. JUSTICE FARJAND ALI

Order

03/08/2026

1. The instant civil revision petition, filed under Section 115 of the Code of Civil Procedure, 1908, has been preferred by the petitioners assailing the order dated 02.07.2026 passed by the learned Civil Judge, Nagaur in Civil Suit No. 35/2023, whereby the application preferred by the petitioners under Order VII Rule 11 of the CPC has been dismissed.

2. Briefly stated the facts of the case are that the respondent-plaintiff instituted a suit for permanent injunction in respect of a four-storeyed commercial property, valuing the suit at Rs.4,000/-. The petitioners objected to the valuation by contending that the suit property is a commercial complex having a market value of more than Rs.1 crore as per the applicable DLC rates and, therefore, the suit was grossly undervalued, resulting in deficiency of court fee as well as lack of pecuniary jurisdiction. The learned trial Court, however, declined the said objection and dismissed the application under Order VII Rule 11 CPC, giving rise to the present revision petition.

3. Heard learned counsel appearing on behalf of the petitioner and perused the material available on record.

4. The contention raised by the petitioner-defendant with regard to improper valuation of the suit and insufficiency of court fee cannot be brushed aside at this stage. Since a specific objection in this regard has been raised in the written statement, the learned trial Court shall frame a distinct issue concerning the valuation of the suit and the sufficiency of the court fee payable thereon.

4.1 At the same time, this Court is conscious of the statutory scheme engrafted under Section 11 of the Rajasthan Court Fees and Suits Valuation Act, 1961. The said provision contemplates that where an objection regarding valuation of the suit or sufficiency of the court fee is raised, the Court is required to determine the same and in the event the valuation or court fee is found to be deficient, the plaintiff is to be afforded a reasonable opportunity to correct the valuation and make good the deficit court fee before any adverse consequence ensues. The legislative intent is thus not to non-suit a litigant at the threshold without extending an opportunity to rectify the defect.

4.2 Since the question relating to valuation of the suit and adequacy of the court fee is essentially a mixed question of fact and law, its adjudication would necessarily depend upon the evidence that may be adduced by the parties. Consequently, though the issue deserves to be treated as a preliminary issue in terms of Section 11 of the Act of 1961, the same cannot be decided in the abstract and shall be adjudicated after the parties have led evidence confined thereto.

4.3 Accordingly, the learned trial Court shall first frame a specific issue with respect to the valuation of the suit and the sufficiency of the court fee. The parties shall be afforded an opportunity to adduce evidence on the said issue, whereafter the learned trial Court shall decide the same in accordance with law. In the event the Court arrives at a conclusion that the suit has not been properly valued or that the court fee paid is deficient, an appropriate opportunity shall be granted to the plaintiff to rectify

the valuation and deposit the deficit court fee, as envisaged under Section 11 of the Act of 1961. Only thereafter shall the learned trial Court proceed with the adjudication of the remaining issues.

5. In view of the above discussion, it is directed that the learned trial Court shall frame a specific issue with regard to the valuation of the suit and sufficiency of the court fee and proceed in the manner contemplated under Section 11 of the Rajasthan Court Fees and Suits Valuation Act, 1961.

6. With the aforesaid observations and directions, the present civil revision petition stands disposed of.

7. Stay petition as well as all pending applications, if any, stands disposed of.

(FARJAND ALI),J

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