

S New No.801/17
Old No.805/06
Kanso Devi v. Kishan Lal

22.01.2018

Present : Sh. M S Rohilla, ld. counsel alongwith plaintiff/LR
Sh. P R Narang.

Sh. M L Vashisth, ld. counsel alongwith defendants
No.1&2 and he represents defendant No.3 also.

Sh. Vashisth submits that plaintiff is liable to pay court fee on advolrem basis at the amount of Rs.1.60 crores, in terms of her own application dated 23.05.2009, whereby, time was sought for depositing requisite court fee, in that tenor. On the other hand, Sh. Rohilla submits that vide order, dated 09.07.2014 amendments, sought by the plaintiff, were allowed, by the Ld. Court of Civil Judge, and therefore, the averments of the plaintiff that she is in joint possession, supersedes the previous averments, qua this assertion, and even thereafter, plaint was further amended, in terms of order dated 14.11.2017, passed by the Ld. Court of J.S.C.C. and thereupon, the suit was valued for the purposes of jurisdiction at the amount of Rs.8 lacs.

Under this scenario, I am of the view that the statement of the plaintiff should be recorded for furnishing / payment of court fee, in accordance with law and even on advolrem basis, if found leviable. Statement of Sh. P R Narang is recorded. Perused.

PW concerned from the office of EDMC, Shahdara is absent despite calls. Issue notice U/o 16 rule 12 CPC on complete details. Plaintiff is directed to coordinate the matter with the office concerned.

Put up on 22.02.2018 for RPE. Steps within a week. No further opportunity shall be given. This is a case of year 2006.

(Sanatan Prasad)
Additional District Judge-01
(East)/KKD/Delhi / 22.01.18