

CS 297/19

USHA DEVI AND ORS Vs. SANDHYA JOSHI AND ORS

23.09.2022

Present: Ld. Counsel Sh. S.K. Pandey for the plaintiffs along with plaintiff no. 2 in person.

Ld. Counsel Ms. Shreya Chanda for defendant no. 1.

None for defendant no. 2.

Defendant no. 2 remains unserved till date. Process to defendant no. 2 as issued vide last orders has not been received back. Nonetheless at this stage, Ld. Counsel for defendant no. 1 submits that no court fees has been paid by the plaintiffs and in fact plaintiffs have not given any valuation to the suit property despite the fact that the present suit has been filed seeking relief of declaration, possession and injunction qua the suit property claiming themselves to be the owner of the suit property.

I have considered the suit/plaint. Admittedly the plaintiffs have not given valuation to the suit property and in fact proper court fees has not been paid. At this stage, my attention is also drawn to the application filed by the plaintiffs seeking exemption from payment of court fees as per Order 33 Rule 1 CPC. In my considered opinion the said application ought to have been disposed of first before proceeding further/issuing summons of settlement to the defendants. In support of the said application plaintiff has filed one document only i.e. revenue record of his native village and no other document has been filed. The said document is not even legible. Moreover the application has not filed in the proper format as per Order 33 CPC.

Plaintiff is directed to file the application in proper format along with relevant documents.

Relist the matter further proceedings now on 17.11.2022.

(Gaurav Rao)
Additional District Judge-03
Patiala House Courts, New Delhi
23.09.2022