

CS 55/26

MOHD KHALID Vs. SACHIN JAIN AND ANR

19.02.2026

Fresh Civil Suit received by way of assignment. It be checked and registered.

Present: Ld. Counsel for plaintiff through V.C.

1. Heard. Perused.
2. *Inter alia* plaintiff is claiming declaration of ownership over the suit property against the defendants. He also wants that the sale deed dated 01.11.2012 be declared as null and void.
3. Apart from declaration of ownership, plaintiff has also prayed for permanent injunction restraining the defendants from interfering in the plaintiff's peaceful possession, claiming any right or title under the forged documents, creating any third party interest and entering in the suit property. In my humble opinion, the relief of declaration of ownership sought in prayer (a) of the plaint is the main relief of the plaintiff and the other reliefs including the relief of injunction [sought in prayer (b)] are consequential in nature.
4. Under Section 7 (iv)(c) of Court Fees Act, 1870 when a plaintiff values his suit for a declaratory decree alongwith consequential relief, the Court fees is required to be paid *ad valorem*.
5. Under Section 8 of Suit Valuation Act 1887, the valuation for the aforesaid suit cannot be different for the purpose of court fees and jurisdiction. The said provision mandates that the two valuation **shall be the same. This would mean that the value as**

determined for court fees and value as determined for jurisdiction are required to be same in a suit for declaration with consequential relief.

6. This would mean that the valuation for the relief of declaration made in the plaint shall have to be same as the valuation placed by plaintiff for jurisdiction.
7. Now, in para (25) of the plaint, the relief of declaration is valued by plaintiff at Rs. 200/-. But, in para (24) of the plaint, the jurisdiction of the Court is assessed at Rs. 83 lac. Keeping in mind the above provisions of law, the value for the relief of declaration shall be Rs. 83 lac only (i.e. the same valuation as placed on the jurisdiction of the Court). Thus, in light of the above, plaintiff is granted one opportunity to properly value his relief of declaration in light of the above observations and pay appropriate court fees thereupon.
8. List on 10.04.2026.

Aashish Gupta
DJ-01/NE/KKD/DELHI
19.02.2026