

03.09.2025

Present: Ld. Counsel for plaintiff with LR of plaintiff.
Ld. Counsel for defendant.

1. Arguments on application U/O XII Rule 6 CPC preferred by plaintiff heard.
2. Reply to the said application filed on 02.09.2025. Copy supplied.
3. Record perused.
4. Plaintiff (since deceased) had approached this Court *inter alia* seeking a decree of mandatory injunction alongwith mesne profits on the allegation that she had given the ground floor of the suit property on license to her daughter/defendant and despite termination of the said license, defendant has not vacated the suit property.
5. In response, defendant has opposed the suit claiming that she is not a licensee in the property and it was the property of her father Pancham Lal. She claims that on his death, she became a co-owner in the property and has occupied the same since more than 35 years in such capacity.
6. Now, in the present application, Counsel for plaintiff claimed that in various paragraphs of the written statement, the entire case of plaintiff has been admitted by defendant. In this regard, he drew my attention to para 2, 4, 8, 9, 10, 14, 16 and 18 under the heading 'reply on merits' of the written statement of

defendant and argued that in the said paragraphs, the entire case of plaintiff stands admitted and thus, a decree on admission Under Order XII Rule 6 CPC be passed in this case.

7. In my humble opinion, the application is misconceived in as much as under the said paragraphs, the pleadings of the plaint are repeated and thereafter, defendant claims that she is occupying the suit property as a legal heir. If I read the entire written statement, it is the consistent stand of the defendant that she occupies the suit property as co-owner with her father Pancham Lal being the original owner and on his death, she succeeded to a share in the property.
8. There is no clear, cogent or unambiguous admission of the case of the plaintiff in the written statement and thus, the present application is misconceived and therefore, the same is dismissed.
9. Now, on perusal of plaint, it transpires that in para 18 of the plaint, plaintiff had valued her suit for the purposes of pecuniary jurisdiction at Rs. 20 lac. She then has valued her reliefs of mandatory and permanent injunction at Rs. 130/- each. A relief of damages and mesne profits is valued at Rs. 75,000/-.
10. Now, U/S 8 of Suit Valuation Act, 1887, save and except for certain suits mentioned in the said section (which are not applicable in this case), in suits where the Court fees is payable *ad valorem* under the Court Fees Act, 1870, **the value as determinable for the computation of Court fees and the value for the purposes of jurisdiction shall be the same.**

11. In this case, in prayers (a), (b) and (d) injunctive reliefs are sought [which will be covered by Section 7 (iv) (d) of Court Fees Act 1870] and prayer (c) is the relief of damages/usage/occupation charges [which will be covered by Section 7 (i) of Court Fees Act 1870].
12. Thus, U/S 8 of Suit Valuation Act, 1887, the valuations placed on the four reliefs sought by the plaintiff shall be the value for the purpose of jurisdiction of the Court.
13. This would mean that the valuation for the purposes of pecuniary jurisdiction of this Court should have been Rs. 75,039/- (with Rs. 39/- being the cumulative amount of the three reliefs of injunctions sought in this cases and Rs. 75,000/- being the amount of relief of damages). It is not clear as to how plaintiff has valued her suit at Rs. 20 lac.
14. Let plaintiff clarify in this regard on next date.
15. List for the aforesaid clarification on 16.12.2025.

Aashish Gupta
DJ-01/NE/KKD/DELHI
03.09.2025