

**Jaipal Singh
Vs.
Premwati And Others**

08.06.2022

Present: Mr. Jitender Kumar, Ld. Counsel for the plaintiff along with attorney holder of the plaintiff.

Mr. A.K Azad, Ld. Counsel for all the defendants.

Defendant no. 3 to 6 already ex parte.

Ld. Counsel for the defendants has filed WS on behalf of all the defendants along with an application for setting aside ex-parte proceedings under Order 9 Rule 7 CPC. Copy supplied.

Ld. Counsel for the defendants vehemently argues that the present suit is not maintainable as the valuation of the suit property is done for Rs. 1 crore, however, the court fees to be paid on the relief sought is not as per the Court Fees Act.

Ld. Counsel for the plaintiff submits that they are in the constructive possession of the suit property as per the averments made in the plaint. He further submits that the defendants were served on 04.09.2021 and had appeared. Since then the WS was not filed on record. He states that today also no application under Order 8 rule 1 CPC for condoning the delay has been moved along with the WS. Therefore, the WS should not taken on record.

Ld. Counsel for the defendant submits that the summons were served to defendant no. 1, 2 & 7 on 26.04.2022 and to that extent

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the WS should be taken on record.

Heard. Record Perused.

In view of the submissions made, The WS is taken on record qua the defendant no. 1 , 2 and 7 only.

Put up for filing of reply to the application under Order 9 Rule 7 CPC / replication qua the WS of defendant no. 1, 2 & 7 on **27.09.2022.**

Shivali Bansal
ADJ-03, Rohini Courts
North District, Delhi
08.06.2022