

11.02.2025

Present: Sh. J. V Rana, Ld. Counsel for plaintiff.
Sh. Anupam Singh, Ld. Counsel for defendant.
Ms. Vasu Singh, Ld. Counsel for SDM Kanjhawla.

Submissions heard on the application of defendant no. 1 under order 7 rule 11 CPC.

Put up in post lunch session for consideration on the application.

Resumed at 03:40 p.m.

Present: None.

File is perused.

Plaintiff has filed the present suit for decree of declaration, cancellation, injunction and partition qua property measuring 19 beegha situated in village Jaunti, Delhi-110039 and has given the valuation for pecuniary jurisdiction at Rs. 1 crore 70 lakhs. The defendant has filed the present application praying for dismissal of the suit with the averments that it has been valued at Rs. 1 crore 70 lakhs without any basis, however the circle rate of village Jaunti is Rs. 53 lakhs per acre of agriculture land so the valuation of the suit is Rs. 2,07,86,000/- which is more than the pecuniary jurisdiction of this Court.

It is also averd that the present matter does not show any cause of action in respect of the property in question and that plaintiff has not filed any document in respect of the suit property and its possession.

The claim of the defendant is objected by the counsel of the plaintiff with the submissions that the circle rate fixed by the

government is for the collection of the stamp duty and not for court fee and further that the same is only presumptive.

It is claimed that the plaintiff is the daughter of Kali Ram, who was having ownership rights of the suit property and has inherited the property from her mother who was having share after death of Sh. Kali Ram.

It is submitted that the averments made in the plaint are disclosing cause of action to file the suit as she has been denied her share and the revenue record is not being corrected. Reliance is placed upon in case upon case *LPA 278/2019 Govt. of NCT of Delhi Collectors of Stamps Vs. CTA Apparels Pvt. Ltd.*, decided by HOn'ble High Court of Delhi, dated 15.11.2015.

The question of market value of immovable property as per circle rate has already been considered by the Hon'ble High Court of Delhi in number of cases and it is held that the circle rates as notified by the Govt. of NCT of Delhi are only presumptive open to rebuttal. Reference in this regard may be made to case of *Laxmi Narayan Vs. Navneet, CS (COMM 231/2017) order dated 28.03.2017*.

The Court at this stage is having no material to held that the valuation given by the plaintiff of the suit for the purpose of jurisdiction is below the market value of the property and is not according to law. The defendant may give his valuation in this regard. The plaint is also disclosing the cause of action to file the suit, accordingly the application of the defendant no. 1 under order 7 rule 11 CPC is devoid of merits and is dismissed.

Put up for settlement of issues on **07.05.2025**

(SUNIL CHAUDHARY)
DJ-04/North-West
RHC/Delhi 11.02.2025