

30CS DJ165/23

DEEPIKA MEENA AND ANR Vs. UMESH SINGH MEENA
ANDANR

05.02.2024

Present : Sh. R.K. Prasad and Ms. Nisha, Ld. Counsels for
plaintiff.
Sh. Vijay Kumar, Ld. Counsel for defendant.

Today, matter was listed for arguments on
application under Order VII Rule 11 CPC.

APPLICATION UNDER ORDER VII RULE 11 CPC :

Ld. Counsel for defendant submits that the suit has
not been properly valued as per the circle rate and proper court
fee has not been filed.

Submissions heard. Application perused.

However, no calculation has been filed by
defendant. Moreover, the valuation of the suit property is of
Rs.15 lacs and court fee has been paid on 50% of the suit
property based upon share claimed in the suit property.

In view of fact that court fee has been filed based
upon 50% share in the suit property, at this stage, it cannot be
said that the suit has not been properly valued or that deficient
court fee has been paid.

**In view of the same, application under Order VII
Rule 11 CPC is dismissed.**

APPLICATION UNDER ORDER VIII RULE 1 CPC :

Record reveals that another application under Order
VIII Rule 1 CPC filed by defendant for taking WS on record is

pending disposal.

Submissions heard. Application perused.

It is revealed that WS was filed 25.07.2023. However, the plaint was subsequently amended on 10.10.2023 and Ld. Counsel for defendant had submitted that his WS already on record be taken as WS to the amended plaint.

In the peculiar factual circumstances of the case, application under Order VIII Rule 1 CPC is allowed and WS is taken on record.

No replication is filed by plaintiff. As per statement of Ld. Counsel for plaintiff made on 14.10.2023, the plaintiff has opted not to file any replication. Affidavit of admission/denial of documents is already filed by plaintiff.

However, no affidavit of admission/denial of documents is filed by defendant.

Ld. Counsel for defendant seeks one week's time to file the same. Let the same be filed within one week with advance copy to opposite side.

List for framing of issues **for 18.03.2024.**

(Rahul Bhatia)
ADJ-01 (South East) Saket Court
New Delhi/05.02.2024 (vg)