

02.06.2023.

Both regular stenographers are on leave today.

Present: Sh. Rajneesh Kapoor, Ld Counsel for plaintiff.
Sh. Ravinder Singh, Ld. Counsel for defendant.
Defendant no.1 in person.

WS alongwith reply u/O 39 Rule 1 & 2 CPC and application for condonation of delay was filed on behalf of the defendant on 10.04.2023. Reply to the application for condonation of delay has been filed on behalf of the plaintiff.

On the last date of hearing, direction was given to the defendant to file WS within 30 days.

It is submitted that from 03.04.2023 to 06.04.2023, Advocates were on strike and from 07.04.2023 to 09.04.2023 were public holidays so WS could be filed only on 10.04.2023.

Heard.

For the reasons mentioned in the application and also to decide the matter on merits, WS is taken on record and the application for condonation of delay is allowed.

Replication filed by plaintiff.

In the present case, the plaintiff is seeking declaration of agreement to sale, GPA, Will dated 17.01.2022 as

null and void. He has valued the declaration for the purpose of jurisdiction at Rs.200/- only and paid a requisite court fees Rs.20/- only. Besides the declaration, plaintiff is also seeking recovery of possession and permanent injunction. In that case, the plaintiff is seeking declaration alongwith consequential early.

Thus, the plaintiff has to pay court fees at market value on the declaration sought by it.

Let the plaintiff amend the suit and pay requisite court fees on the NDOH ie. 26.09.2023.

(Arun Goel)
ADJ-03, Shahdara
KKD Courts, Delhi
02.06.2023