

CS NO. 729/21

NARESH CHANDER SABHARWAL Vs. VINEET SABHARWAL AND ANR.

20.09.2023

File received by way of transfer to this Court vide office order No.7089-94/Judl./Shd./KKD/2023 dated 01.09.2023 passed by the Ld. Principal District & Sessions Judge, Shahdara, District, Karkardooma Courts, Delhi.

Present: AR/Son of plaintiff namely Dr. Nitin in person.
Sh. Avdesh Kumar, Ld. Counsel for the defendant no.1 along with
defendant no.1 in person.
None for defendant no.2.

AR of the plaintiff submits that his counsel is reaching in court in 15 minutes and for the request of pass over.

Matter is pass over for 11:30am.

(Deepankar Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
20.09.2023

At 12:05pm

Mr. Ajay Fatyal, Ld. Counsel for the plaintiff and Ms. Vidhi Jain, Ld proxy counsel for Sh. Daljeet Singh, Ld. Counsel for the plaintiff along with AR/Son of plaintiff namely Dr. Nitin in person.

AR/Son of plaintiff namely Dr. Nitin in person.

Sh. Avdesh Kumar, Ld. Counsel for the defendant no.1 along with
defendant no.1 in person.

None for defendant no.2.

Fresh Vakalantama filed on behalf of the plaintiff. Same is taken on record.

Ld. Counsel for the plaintiff submits that he has already filed the admission and denial affidavit. Copy of the same is supplied to the Ld. Counsel for the defendant no.1.

It is submitted by the Ld. Counsel for the defendant no.1 that he has also filed the admission and denial affidavit on behalf of defendant no.1. He further submits that an affidavit of admission and denial on behalf of defendant no.2 is also on record.

File perused and the same is found on record.

It is submitted by the Ld. Counsel for the defendant no.1 that he has filed one document i.e. sale deed dated 30.05.1958 which is in Urdu language. Copy of the same is provided to the Ld. Counsel for the plaintiff.

It is submitted by the Ld. Counsel for the defendant no.1 that the reference of the said document is mentioned in the written statement filed by defendant no.1 and further request to take the said document on record.

Ld. Counsel for the plaintiff has no objection if the same is taken on record.

In view of the no objection gave by the plaintiff and considering the fact that the present matter is at initial stage and no prejudice would be caused to the plaintiff if the said document is taken on record, therefore the said document along with copy of translation is taken on record.

It is submitted by the parties that pleadings in the present matter are complete.

Pleadings of the parties are completed.

File perused.

It is submitted by the Ld. Counsel for the plaintiff that the present suit is for recovery of the company of possession of property bearing no.K-62A, Chiachi Building, Krishna Nagar, Delhi-110051 filed by the plaintiff against younger son i.e. defendant no.1 and daughter in law i.e. defendant no.2, thereby pleading that the plaintiff is the owner of the said property and defendant no.1 and defendant no.2 are the licensee of the basement and second floor of the above-said property. In para no.18 of the plaint, the plaintiff has value the present suit for the purpose of court fees and jurisdiction as Rs.4,20,000/- as per provision of Section 7(xi) of the Court Fees Act 1870. In view of this court, the valuation of the present suit for the purpose of court fees and jurisdiction is not proper and the plaintiff ought to have valued the relief of the possession of the suit property in the present suit as per the market rate prevalent at the

time of filing of present suit. This court put to the notice of the plaintiff and his counsel about the said observation of this court and take appropriate steps as per law.

Put up for arguments on the point “whether the present suit has been properly valued for the purpose of court fees and jurisdiction?” on 8.11.2023.

(Deepankar Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
20.09.2023