

**Order below Exh. 17**

- 1.** On 19/02/2020, the plaintiff Nos.1 to 11 have filed a suit to cancel the registered sale deed dt. 20/05/2019 and 09/10/2019 being illegal and null and void.
- 2.** On 02/01/2021, defendant No.2 has filed present application to reject the plaint and dismiss the suit as plaintiffs have not paid full court fees stamp though sufficient opportunities were given to plaintiffs.
- 3.** Heard Ld. Advocate for the parties. Perused the averments of the plaint. Plaintiffs have filed the present suit for cancellation of registered sale deed and for permanent injunction against defendants. The said sale deed is executed for Rs.16,50,000=00/- (Rs. Sixteen Lakh Fifty Thousand Only) for which plaintiffs have to pay a court fees stamp for Rs.16,275=00/- (Rs. Sixteen Thousand Two Hundred and Seventy Five Only) but plaintiffs have only paid a stamp of Rs.5,575=00/- (Rs. Five Thousand Five Hundred and Seventy Five Only) and on the very same date plaintiffs have filed an application vide Exh.1(A) and prayed for time to pay the remaining court fees stamp at Rs.10,700=00/- (Rs. Ten Thousand Seven Hundred Only) and Hon'ble Principal Sr. Civil Judge, Nadiad granted seven days time to produce deficit court fees stamp but even after completion of seven days, plaintiffs failed to produce deficit court fees. As per the provision of Order 7 Rule 11(c) the plaint shall be rejected "where the relief claimed is properly valued but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be

fixed by the Court, fails to do so". As per this provision, plaint may be rejected when plaintiffs fail to produce deficit court fees within the time fixed by the Court.

4. With this regard In case of **“Manoharan Vs. Sivarajan, (2014) 4 SCC 163**, the hon'ble Apex court has in paragraph Nos.7 held as follows:-

" para-7. Section 149 of the Civil Procedure Code prescribes a discretionary power which empowers the court to allow a party to make up the deficiency of court fee payable on plaint, appeals, applications, review of judgement, etc. This section also empowers the court to retrospectively validate insufficiency of stamp duties, etc." considering the settled principle, this court has given more than seven days time as mentioned in order below Exh.1(A) to the plaintiffs to produce deficit court fees. But from the perusal of Rojkam and Exh.1 of plaint, it appears that plaintiffs are not interested to pay the deficit court fees stamp. Further, on 05/02/2021 and on 06/02/2021, plaintiffs have filed an application for an adjournment application to engage new advocate in this matter vide Exh.18 and 21 but no application for enlargement of time to produce deficit court fees stamp was filed by the plaintiffs. Therefore, it appears that plaintiffs are not interested in this matter and they do not want to produce proper court fees stamp as required in the plaint. Considering the approach of the plaintiffs. Now no more time requires to be given to the plaintiffs. Therefore the plaint is required to be rejected as per the provision of CPC O-7 R-11(c).

5. Hence considering the above facts of the case and provision of O-7 R-11(C), I pass the following order:

**ORDER**

- The present application is hereby allowed.
- Plaint is hereby rejected for want of deficit court fees stamp.
- No order as to costs.

**Pronounced in the open court today i.e. 20<sup>th</sup> day of the month of February, 2021.**

Nadiad  
Date: 20/02/2021

**(Ruchita Vinodbhai Vaishya)**  
6<sup>th</sup> Additional Senior Civil Judge,  
Nadiad (Dist. Kheda)  
Code No. GJ 01149.