

20.05.2024

Present: Ld. Proxy counsel for plaintiff.
Defendant in person with ld. Counsel Sh. Dayanand
Sharma.

Arguments on application under Order VII Rule 11 CPC
moved by defendant heard.

In the present suit, plaintiff is seeking declaration of
certain documents as null and void of which she admittedly is the
executant. Plaintiff has valued the suit for the purposes of pecuniary
jurisdiction and court fees at Rs.20,50,000/- but has not paid *ad
valorem* court fees on the same.

The present application is moved by defendant on the
ground that since plaintiff herself claims to be the executant of the
documents qua which she has filed the present suit and the face value
of the said documents is shown to be Rs.20,50,000/-, plaintiff should
have paid *ad valorem* court fees on the same.

There is some substance in the said contention. It is settled
law that in case plaintiff is the executant of the document and
thereafter the said document is sought to be declared null and void by
the plaintiff, *ad valorem* court fees on the value shown in the
document should be paid. That being the case, one opportunity is
granted to plaintiff to pay appropriate court fees in the aforesaid terms
failing which, the present plaint may be liable to be rejected. Plaintiff
is granted six weeks time to pay the deficient court fees. With the said
directions, the present application is disposed off.

To come up for payment of court fees and further
proceedings on 05.08.2024.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
20.05.2024