

MISC. (J) Case No. 1106/2022
(Arising out of T.S. No.451/2017)
Ritumoni Sarmah & Anr Versus Shiva Prasad Sarma & Anr

23.08.2023

IN THE COURT OF CIVIL JUDGE NO-1, KAMRUP(M), GUWAHATI

Present: Shri Nur Jamal Haque, LLM, AJS
Civil Judge No-1, Kamrup(M)
Guwahati

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Both sides are represented.

By this order this Court proposed to dispose of the instant Misc case arisen out of an application filed under Order 7 Rule 11 of C.P.C.

On last date, both sides were heard at a length.

The petitioner prayed to reject the plaint contending that the court fee is not paid as per Section-8 of Suit Valuation Act.

Per contra, the plaintiff/OP in the written objection prayed to reject the prayer of the petitioner and also pleaded that if the Hon'ble Court finds that suit is under valued then he is ready to make payment of remaining court fee.

Now, coming to the original suit filed by the plaintiff, it is seen that the plaintiff valued the suit at Rs.77,00,000/- and at Hon'ble Court Fee is paid for the purpose of court fee for declaration and for issuance of precept. Admittedly, the plaintiff had not paid any court fee for the relief of recovery of khas possession. Hence, the plaintiff is directed to correct the court fee and pay the remaining

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court fee within one month failing which the suit will be rejected.

Accordingly, the Misc case is disposed of.

Civil Judge, No.1,
Kamrup (M), Guwahati.