

21.01.2025

Present: Sh. Karan Suneja and Ms. Manvi Khurana,
Ld. Counsels for plaintiff.
Ld. Counsel for defendant.

Replication alongwith reply to the application under Order VII Rule 11 CPC has been filed on behalf of plaintiff.

The crux of the matter is that the plaintiff claims to have purchased the property from the mother in law of the defendant who after selling the property had vacated the portion under her possession. However, the defendant continued to be in possession of the property and according to the plaintiff she is now in unauthorized occupation and is liable to pay the mesne profits and hand over possession to plaintiff.

The only ground which is covered under Order VII Rule 11 CPC and is stated in this application is, that the suit has not been properly valued for the purposes of court fee and jurisdiction. It is submitted that the plaintiff has claimed possession of the suit property and the plaintiff's own sale deed reflects the value of the property at Rs.8,00,000/-. However, the plaintiff has valued the suit for the purposes of relief of possession at Rs.150/- and hence, the plaint is liable to be rejected.

In the reply, it is submitted that the plaintiff being the registered owner of this property is in constructive possession

of the property and therefore, is entitled to affix the court fees on Rs.150/-.

Heard. Perused.

I do not agree with the contention raised by the plaintiff because the plaintiff is seeking possession from unauthorized occupant and therefore, for the relief of possession ad-valorum court fees has to be paid.

Ld. Counsel for plaintiff submits that plaintiff has is ready to pay ad-valorum court fees. Hence, plaintiff is directed to file an amended plaint alongwith amended valuation clause thereby valuing the suit for the purposes of jurisdiction as per the relief of possession and affix ad-valorum fee for the relief of possession. If the plaintiff fails to do so, the plaint shall be liable to be rejected under Order VII Rule 11 CPC. Application stands disposed of

Put up for filing of amended plaint and court fees on 11.03.2025.

(Parveen Singh)
District Judge-11/Central/THC
21.01.2025