

Order No. 24 dated 21.09.2023

Today is fixed for production of documents by both the sides, steps, S/R and injunction order.

Both parties filed hazira.

The plaintiff filed an extension petition.

Perused the record.

While, perusing paragraph 8 of the plaint, I could see that the monthly rent of the property leased, to which the plaintiff claims tenancy right and seeks declaration and consequential reliefs, is Rs 8000/- per month; and therefore the plaintiff was supposed to value the suit either u/o 7(i) or u/sec 7(v) of the West Bengal Court Fees Act but he instead valued it u/sec 7(iv)(b) of the WBCF Act. In the former case the court fees payable should be on Rs. 8,000/- x 12 = 96,000/-, whereas in the later it should be on the market value of the property. Therefore, let and inquiry u/sec 10 of the CR Act be initiated for the assessment of the proper court fees, and let the case be scheduled for hearing on the point regarding under which clause this case ought to have been valued, and if sec 7(i) or Sec 7(iv)(b) or Sec 7(v) of the WBCF Act would apply to this case for the purpose of court fees, and if there is any evasion of court fees.

Fix 01.11.2023 for production of the original documents and hearing on the points mention above and further inquiry of the WBCF Act.

D/C by me:

Sd/

CJJD,KSG.

Sd/

(Sk. Md. Arif Hasan)

Civil Judge(Jr. Div)

Kurseong

Later

The plaintiff filed a petition admitting his mistake in valuing the suit for the purpose of court fee and has craved leave for paying the deficit court fees.

In the face of such petition, I don't think any further inquiry u/s 10 of WBCF Act is required. So, the inquiry ordered above is suspended for the time being provided the plaintiff pays the court fees by the next date.

This bring the situation the extended application is allowed u/s 151 CPC and the ad interim order, for ends of justice, is extended until the next date.

Todate.

D/C by me:

Sd/

CJJD,KSG.

Sd/

(Sk. Md. Arif Hasan)

Civil Judge(Jr. Div)

Kurseong