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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 802/2024**

**MANVADHIKAR ASSOCIATION THROUGH ITS  
PRESIDENT**

.....Plaintiff

Through: Mr. Vivek Sharma & Mr. Vikas  
Sharma, Advs.

versus

**DELHI DEVELOPMENT AUTHORITY & ORS.**

.....Defendant

Through: Defendants are yet to be served.  
Mr. Tushar Sannu, Adv. with Mr.  
Manoranjan Singh, Adv. for D-1 &  
D-3.  
Mr. Varun Chandiok, Mr. Alok  
Kumar and Mr. Anubhi Goyal,  
Advs. for D-2 (through VC).  
Ms. Rachita Garg with Mr. Agam  
Rajput, Advs. for D-5 & 6 (E-mail:  
[rachitagargoffice@gmail.com](mailto:rachitagargoffice@gmail.com) and  
Mobile No.7838066417) (through  
VC).

**CORAM:  
JOINT REGISTRAR (JUDICIAL) SH. DEVENDER  
KUMAR GARG (DHJS)**

**ORDER**

**28.10.2024**

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**Proceedings are being conducted through hybrid mode.**

**CS(OS) 802/2024;**

**I.A. No. 41421/2024 (by plaintiff u/S 151 of CPC seeking  
exemption from filing notice u/S 80 CPC and certified  
copies / typed copies of DIM Documents) &**

**I.A. No. 41422/2024 (by plaintiff for condonation of delay  
of 14 days in re-filing of suit)**



1. Today the matter is list for consideration.
2. The present suit has been filed on behalf of the plaintiff seeking relief of declaration, permanent injunction and mandatory injunction. Office objections have been noted in the office noting stating that advolerum court fees not paid and statement regarding authenticity of document is not given.
3. Ld. Counsel for plaintiff has submitted that the suit has been valued for the purpose of jurisdiction at Rs.100 crores and he has valued the suit for the purpose of court fees at Rs.200/- and the reliefs of permanent injunction and mandatory injunction have been valued at Rs.130/- each. He has further submitted that the plaintiff has filed court fee of Rs.1,000/-.
4. A query has been put by the undersigned to Ld. Counsel for plaintiff on the aspect of court fees keeping in view the objections raised by Registry regarding non payment of advolerum court fees.
5. Ld. Counsel for plaintiff has submitted that the plaintiff has sought relief of declaration and, reliefs of permanent and mandatory injunction are not consequential reliefs and they are independent reliefs of each other. He has relied upon judgment titled as “Shiv Shankar Jindal vs. Deepak Kumar & Ors.” passed by Hon’ble High Court of Delhi in CM(M) No.890/2017.
6. Ld. Counsels for defendants, who are appearing today on advance notice, have submitted that no proper court fees has been filed on behalf of the plaintiffs.
7. Heard. Perusal of the file would show that the present suit has been filed seeking relief of declaration with respect to



declaring the colony vide Registration Nos. 958 (Amar Colony, B Block, Purvi Gokulpur, Delhi-110094) and 1426 (Harijan Basti A-Block, Purvi Gokulpur, Delhi-110094) as regularized colony in pursuance of 31 regularized layout plan vide resolution No.781 dated 03.11.1983 and modify the list of unauthorized colony within the National Capital Territory of Delhi, relief of permanent and mandatory injunction. The suit has been valued for the purposes of jurisdiction at Rs.100 crores, however, for the purpose of court fees, same has been valued at Rs.200/- for the relief of declaration and at Rs.130/- each for the relief of permanent injunction and mandatory injunction. The undersigned does not agree with the contention of Ld. Counsel for plaintiff that relief of permanent injunction and mandatory injunction are independent of relief of declaration. The undersigned is of the view that the relief of permanent injunction and mandatory injunction are consequential from the relief of declaration and hence, court fees is required to be paid *advolerum* under Section 7(iv)(c) of the Court Fees Act. It is settled law that the plaintiff cannot adopt a dual policy of filing his suit at a certain value for the purpose of jurisdiction and for the purpose of payment of court fees. The undersigned would rely upon judgment of Hon'ble High Court of Delhi in case titled as "Rajender Singh Bhatia vs. Manju Bhatia" wherein by referring Section 7(iv)(d) and Section 7 of Suit Valuation Act, 1887 and 1870, it was observed by the Hon'ble Court as under:-

***"10. Section 7 of the Court Fees Act, 1870 provides for computation of fees payable in***



suits. Under Section 7(iv)(d) to obtain an injunction, the court fee is payable according to the amount at which the relief is sought to be valued in the plaint. It further provides that the plaintiff shall state the amount at which he values the relief sought.

11. **Section 8 of Suit Valuation Act, 1887** puts an obligation on the plaintiff to value the suit for the purpose of court fee and jurisdiction identically except for the Exceptions provided in Section 7 paragraph 5, 6, 9, 10 Clause (d) of Court Fee Act, 1870.

12. It therefore, follows that though it is the discretion of the plaintiff to value his suit as per his bona fide belief and discretion, but once he has valued his suit in terms of Section 8 of the Suit Valuation Act, the court fee shall become payable on the same amount in terms of Section 7 of the Court Fees Act. The plaintiff cannot adopt a dual policy of valuing his suit at a certain value for the purpose of jurisdiction and for the purpose of payment of court fees. Once the suit has been valued at a certain value, the *advolverum* court fees has to be paid mandatorily on the same valuation.”

8. During the course of arguments, Ld. Counsel for plaintiff was asked as to whether he wishes to make any amendment in the plaint to which he stated that there is no need for the same. Thus, keeping in view the averments made in the plaint, the value of the suit for the purpose of jurisdiction and value of the suit for the purpose of court fees, the undersigned is of view that the plaintiff is required to deposit the court fees on the value of Rs.100 crores. The judgment relied upon by Ld. Counsel for plaintiff is not applicable to be facts of the present matter being distinguishable on facts. Hence, the plaintiff is directed to deposit court fees on the above said value of Rs.100 crores as per rules within four weeks.
9. The plaintiff is also directed to remove office objection regarding statement with respect to authenticity of the



document, as per rule.

10.Re-notify the matter for consideration on **06<sup>th</sup> December, 2024.**

**DEVENDER KUMAR GARG (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**OCTOBER 28, 2024/v**

*Click here to check corrigendum, if any*