

IN THE HIGH COURT OF JHARKHAND AT RANCHI
FA No. 7783 of 2024

Luxmi Narayan Pandey	...	Appellant
	Versus	
Chhatti Mahato & Ors.	...	Respondent

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Rahul Kr. Gupta , Adv.

04 / 09.09.2024

I.A. no. 9309 of 2024

Heard.

Learned counsel for the appellant submits that this Interlocutory Application has been filed with a prayer to ignore the defect pointed out at sl. no. 8 (c) which is to the effect that the appellant has not paid the adequate court fees of Rs. 49,770/-; though erroneously it been mentioned in this interlocutory application, that the Stamp Reporter has pointed out that the Court Fee of Rs. 49,720/- is required to be paid by the appellant. It is next submitted that the suit was for declaratory decree and consequential relief though in para 4, an erroneous averment has been made that no consequential relief had been claimed by the plaintiff – appellant even though in para 3 (c) of this interlocutory application, it has categorically been mentioned that in Title Suit No. 245 of 2011, the consequential relief *inter alia* of permanent injunction, has been prayed for, besides the prayer for declaration.

Since the petition has been made with false averments, so this petition being without any merit is rejected and as the suit was filed with a prayer for declaratory decree and consequential relief; hence, *ad valorem* court fees is to be paid under Section 7 (iv) (c) of the Court Fees Act, 1870. Therefore, the defect

pointed out by the Stamp Reporter is sustained and this interlocutory application, being without any merit is rejected.

This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

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The appellant is directed to remove the defects pointed out by the Stamp Reporter, within two weeks, failing which, this appeal shall stand dismissed without further reference to the Bench.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-