

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3442/2026

Shri Madhukhant Mundra S/o Late Shri Brijmohan Mundra, Aged About 63 Years, Resident Of Lalghat Guest House, Lal Ghat, Udaipur At Present-9, Ghane Rao Ki Ghati, Jadiyon Ki Ol, Opposite Clock Tower, Udaipur Raj.

-----Petitioner

Versus

1. Shri Sanjay Mundra S/o Late Shri Brijmohanji Mundra, Resident Of Lalghat Guest House, Lalghat, Udaipur Raj.
2. Smt. Sheela Devpura W/o Shri Dinesh Chandra Ji Devpura, Resident Of 1-Roop Singh Ji Ki Bari, H.m, Sector No.13, Udaipur Raj.
3. Shri Varun Kachoria S/o Shri Bhupendraji Kachoria, Resident Near Ramji Temple, Salumbar, District Salumbar Raj.

-----Respondents

For Petitioner(s) : Mr. Chirag Mathur
Mr. Nikhil saran for
Mr. Akshat Verma

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

25/02/2026

1. Learned counsel for the petitioner submits that the petitioner instituted a suit seeking partition of the joint family properties inherited by the petitioner and the Respondents pursuant to the Will dated 26.07.2019 executed by the petitioner's late father. It is further submitted that, under Prayer Clause 'D' of the plaint, the petitioner sought a declaration that the Will dated 29.11.2024, purportedly executed by his late mother, is null and void; however, the petitioner has not sought any consequential reliefs, including mesne profits or other ancillary benefits arising therefrom.

2. It is further submitted that, during the pendency of the suit, respondent No. 1 preferred an application under Sections 10 and 11 of the Rajasthan Court Fees and Suits Valuation Act read with

Order VII Rule 11 and Section 151 of the Code of Civil Procedure, 1908, contending *inter alia* that the petitioner had also sought possession of the subject properties and, therefore, the court fee ought to have been computed in accordance with Section 24(b) of the Act and not under Section 24(e). Respondent No. 1 further averred that the court fee was liable to be calculated in terms of Sections 26(a) and 35 of the Act, inasmuch as the reliefs of permanent injunction and partition of the subject properties had also been sought. Subsequently, the petitioner filed a detailed reply to the said application under Order VII Rule 11 CPC, praying for dismissal of the same.

3. It is submitted that the learned trial court, while adjudicating the aforesaid application, has erred in law by misinterpreting Prayer Clause 'D' of the plaint and consequently holding that court fee is payable in terms of Section 24(b) of the Act. Learned counsel for the petitioner contends that the requisite court fee had already been duly paid in accordance with Section 24(e) of the Act, and that the impugned finding to the contrary is legally unsustainable.

4. In support of his contentions, learned counsel for the petitioner has placed reliance upon a judgment rendered by the Hon'ble Supreme Court in ***Suhrid Singh v. Randhir Singh & Ors.*** reported in ***AIR 2010 SC 2807***.

5. The matter requires consideration.

6. Issue notice to respondent(s), returnable within six weeks.

7. In the meanwhile and till the next date of hearing, effect and operation of the order dated 17.01.2026 passed by the learned



[CW-3442/2026]

Additional District Judge No.2, District Udaipur in Civil Suit No.136/2025, shall remain stayed.

8. List after eight weeks.

(MUKESH RAJPUROHIT),J

58-mSingh/-