

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3362/2026

Sunil Bajaj Son Of Late Shri Dayal Das Bajaj

-----Petitioner

Versus

Smt. Ritu Kala Wife Of Shri Gurmeet Singh

-----Respondent

For Petitioner(s) : Mr. Alok chaturvedi
Mr. Ajay Kumar Sain
mr. bhawani Shankar
Ms. Vedika

For Respondent No.3 : Mr. Amit Puri
Mr. R.K. Gouttam
Mr. G.S. Gouttam
Ms. Saakshi Meena
Ms. Arati Bai Meena

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

24/02/2026

1. The present writ petition has been filed assailing the orders dated 27.10.2025 and 03.01.2026, whereby vide order 03.01.2026, passed by learned Additional District and Sessions Judge, No. 6, Jaipur Metropolitan I, the learned Court below dismissed the review application filed by the petitioner-plaintiff, seeking review of the order dated 03.01.2026, wherein the applications filed by the petitioners-plaintiffs under Order 6 Rule 17 CPC as well as Order 1 Rule 10 CPC has been allowed.

2. Learned counsel for the petitioners submits that in a suit for specific performance, the learned Trial Court vide the impugned order allowed the amendment sought by the plaintiff with regard to the subsequent sale deeds executed in favour of the purposed

defendants and also relief to declare the sale deed as 'null and void' against his right, however learned Trial Court directed the petitioner to pay the additional Court Fees.

3. Learned counsel for the petitioner has placed reliance on the judgement passed by this Court in D.B. Civil Reference No.5/2020 titled as Devnarayan Sharma vs Ramphool & Ors. (decided on 11.03.2024), wherein the Court has considered the said question and has categorically decided the same. The question framed by the Court is reproduced as under:

"1. Whether the plaintiffs shall be required to pay the court fee on the aggregate value of the distinct and separate reliefs claimed in the plaint as per Section 6(1) of the Rajasthan Court Fee and Suits Valuation Act, 1961 or whether relief prayed for declaring the sale deed as null and void being only ancillary to the main relief of specific performance of the agreement to sale, the court fee would be required to be paid only on the main relief as per proviso to Section 6(1) of the said Act?"

4. After consideration of the question, the reference has been answered in the manner as under:

"17. We are of the considered view that in a suit for specific performance, the relief for declaring the subsequent sale deed as null and void is an ancillary relief, in the question itself, which has been framed, it is mentioned as an ancillary relief.

18. In view of the pronouncement of the Apex Court in Suhrid Singh @ Sardool Singh Versus Randhir Singh & Ors. (supra), the question, which has been framed i.e. whether relief prayed for declaring the sale deed as null and void being only ancillary to the main relief of specific performance of the agreement to sell, the court fee would be required to be paid only on the main relief as

per proviso to Section 6(1) of the Act of 1961, is no longer res-integra and since, the main relief is for specific performance and the prayer for declaring the sale deed as null and void, is an ancillary relief, the court fee would be payable only on the main relief. We, accordingly, answer Question No.1. It is made clear that when the relief claimed is an ancillary relief, the plaintiff is required to pay the court fee only on the main relief and he is not required to pay the aggregate value of the distinct and separate relief as per Section 6(1) of the Act of 1961.”

5. Heard.

6. Let notices be issued to respondent No. 1, 2, 4, 5 and 6. Rule is made returnable within 4 weeks.

7. In the meanwhile, proceedings in suit No.37/2024 pending in the Court of Additional District and Sessions Judge, No.6, Jaipur Metropolitan I, shall remain stayed till next date of hearing.

8. The order will come into effect only after service on respondent is complete.

9. List this matter after four weeks.

(BIPIN GUPTA),J