

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4603/2026

- 1 Amit Fatehpuria S/o Mr. Chouthmal Fatehpuria, R/o 5/203, Kamal Apartment 2, Ram Mandir Ke Pass Banipark Jaipur Zila Jaipur, Rajasthan.
- 2 Mohammed Amin Khokar S/o Mr. Yusuf Khokar, R/o Ward No. 14, Azad School Ke Pass, Fatehpur, District Sikar, Rajasthan.

----Petitioners/Plaintiff/Non-Applicant

Versus

- 1 Ganesh Ram Bajiya S/o Mr. Todaram, R/o Dhani Bajiyawali, Santhiliya, Tehsil Reengus, District Sikar, Rajasthan.

.....Respondent/Defendant/Applicant

- 2 Firm M/s Raj Build Homes, Address 108, Paris Point, Collectrate Circle, Banipark, Jaipur, Rajasthan Through Partner Mr. Rajveer Singh S/o Mr. Amar Singh And Mr. Ganesh Ram Bajiya, S/o Mr. Todaram.
- 3 Mr. Rajveer Singh S/o Amar Singh, R/o 296, Officers Campus, Sirsi Road, Khatipura, Jaipur, Rajasthan.
- 4 Nagarpalika Srimadhampur, Through Chairman Nagarpalika, Srimadhampur, District Sikar, Rajasthan.
- 5 Subregistrar, Srimadhampur, District Sikar, Rajasthan.

---Proforma-Respondents/Defendant/Applicant

For Petitioner(s) : Mr. Shivam Kumar Sharma

For Respondent(s) : Mr. Sultan Singh Kuri

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

23/04/2026

1. The present civil writ petition has been filed assailing the order dated 09.01.2026, passed by learned Additional District Judge, Shrimadhampur, Session Block-Sikar, in Civil Suit No.9/2025, whereby the learned Trial Court on the application of the respondents-defendants under Order 7 Rule 11 (b) CPC have

directed the plaintiffs-petitioners to pay the Court fees on Rs.1,90,00,348/- on account of the fact that the plaintiffs-petitioners in Para No.5 of the application have stated the fact of investment by them in the project.

2. Learned counsel for the plaintiffs-petitioners has filed an affidavit before this Court stating that they are not seeking any claim on the invested amount, nor will they seek any such claim in the future. He submits that since no right over the invested amount has been claimed, the learned Trial Court committed an illegality in passing the impugned order. Therefore, he prays that the present writ petition may be allowed and order dated 09.01.2026 may be quashed and set aside.

3. Per contra, learned counsel for the respondents submits that since the plaintiffs-petitioners are claiming a share in the property, and the property value has been assessed on the basis of the invested amount of Rs.1,90,00,348/-, the learned Trial Court has passed a correct order, which does not require any interference by this Court. Therefore, he prays that the present writ petition may be dismissed.

4. Heard learned counsel for both the parties and perused the material available on record.

5. This Court finds that it is within the domain of the plaintiffs-petitioners to determine their claim, and it is on the basis of such claim that the suit is to be valued and the requisite Court fees paid. Once the plaintiffs-petitioners have categorically stated in the affidavit filed before this Court that they have not claimed any relief in respect of the said amount and have further stated that

they will not claim the amount of Rs.1,90,00,348/- in the future, this Court finds that directing them to pay Court fees on an amount for which no relief has been sought is incorrect. Therefore, this Court is of the opinion that the order dated 09.01.2026 is liable to be quashed and set aside.

6. Consequently, present writ petition is hereby allowed and the order dated 09.01.2026 stands quashed and set aside.

7. Pending application(s), if any, also stands disposed of.

(BIPIN GUPTA),J