2026:RJ-JP:27077

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18911/2019

URN: CW / 35864U / 2019

Smt. Meenakshi Bhandari, Wife of Shri Lalit Kumar Bhandari, Aged About 48 Years, Resident of S-1002, 10th Floor, Omaxe Twin Towers, Sector - 50, Opposite LPS, Global School, Noida 201301, Uttar Pradesh.

----Petitioner

Versus

1. State of Rajasthan, Through Secretary, Department of Registration and Stamps, Jaipur, Rajasthan.
2. Sub-Registrar (Registration and Stamps), Jaipur-II, Bani Park, Jaipur.
3. Nagar Nigam Jaipur- (Heritage), Through Its Commissioner, WRFG+7X, Old PHQ, Behind Hawa Mahal, Badi Chaupar, Jaipur.
4. General Public, Jaipur, Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Digvijay Anand
For Respondent(s)	:	Mr. Vigyan Shah, AAG Mr. Sankalp Vijay

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

16/07/2026

1. Short issue involved in this writ petition is in respect of disparity in making valuation of two adjoining shops i.e. Shops No.6 & 7, situated in 10 feet wide gali at Ground Floor, Sukh Sagar Chamber, Opposite Chankaya Restaurant, M.I. Road, Jaipur.

2. This is a case where both shops were in the ownership of one Smt. Shyama Devi @ Madhu Malpani, who made a Will dated 30.04.2001. Through this Will, Shop No.6 was bequeathed to one Smt. Renu Singh and Shop No.7 was bequeathed to petitioner-Smt. Meenakshi Bhandari. On the basis of Will dated 30.04.2001, both beneficiary submitted two separate applications under Section 276 of Indian Succession Act, 1925, for issuance of probate. Application filed by Smt. Renu Singh was registered as

Miscellaneous Civil (Probate) Application No.3883/2017 and application filed by Petitioner-Smt. Meenakshi Bhandari was registered as Miscellaneous Civil (Probate) Application No.3884/2017. In both applications, learned District Judge has passed separate orders of even dated 10.12.2018 for issuance of probate.

3. The grievance of petitioner is that in the probate application filed by Smt. Renu Singh, valuation of Shop No.6 was assessed to the tune of Rs.21,53,270/- as per the valuation report submitted by respondents, whereas in probate application of petitioner, valuation of Shop No.7 has been assessed on the higher side, i.e., to the tune of Rs.45,91,428/- and petitioner has been asked to pay stamp duty/court fee of such valuation for issuance of probate certificate.

4. The copy of order of issuance of probate dated 10.12.2018, issued in favour of Smt. Renu Singh has been placed on record and perusal of this order clearly shows that as per the valuation report of Shop No.6, submitted by respondents, valuation was assessed of Rs.21,53,270/- and District Judge accepted this valuation and asked to pay stamp duty/court fee thereupon.

5. It is to be noted here that in respect of assessing valuation of Shop No.7 to the tune of Rs.45,91,428/-, counsel for petitioner has pointed out certain discrepancies and he states that the parameters to assess the valuation does not match with the prescribed rates, hence, valuation has been made arbitrarily and on higher side.

It has been pointed out that the area of both shops i.e. Shops No.6 & 7 is equal in size measuring 250 sq. feet (23.22 sq.

metres), without roof. The DLC rate applied for Shop No.7 @Rs.1,88,046/- has not been reduced by 20%, whereas shop is 20 years old and similarly in the calculation of valuation for construction, applying rate of Rs.900/- per sq. feet, which is prescribed for the construction with a roof, whereas as per the chart of rates, rate of construction without a roof should be assessed only 25% of Rs.900/- per sq. feet. In this way, counsel for petitioner submits that the valuation of Shop No.7, as made by respondent, is defective and on the higher side, more so same stands in disparity with the valuation made by respondents for Shop No.6 to the tune of Rs.21,53,270/- only.

Hence, the prayer of counsel for petitioner is that either the valuation of Shop No.7 may be directed to be revaluated or in alternative, the valuation of this shop be treated as equivalent to the valuation made by respondents for Shop No.6 and accordingly, appropriate orders be passed to pay the stamp duty/court fee for issuance of probate on Will in respect of Shop No.7.

6. It is noteworthy that when the petitioner was asked to pay stamp duty/court fee for issuance of probate certificate on Will of Shop No.7 on its valuation of Rs.45,91,428/- vide order dated 10.12.2018, at that juncture, petitioner moved an application to review/recall the valuation and asked for a fresh valuation, but that application has been dismissed by the District Judge vide order dated 30.03.2019 (Annx.6), which has also been challenged in the instant writ petition.

7. *Per contra,* counsel appearing on behalf of respondents No.1 & 2, while relying upon the valuation report of Shop No.7 (Annx.R/1), pointed out that the valuation report of Shop No.6 has not

been produced by petitioner on record. His submission is that valuation of Shop No.7 as made, is correct, and District Judge has not erred in not calling for a revaluation report.

8. Having heard counsel for both parties, *prima facie,* it is apparent that the valuation of Shop No.6 was assessed by the respondents to the tune of Rs.21,53,270/- only. This fact is well evident by perusal of the order dated 10.12.2018, passed by the District Judge, wherein relying upon this valuation, the certificate of probate was issued in favour of Smt. Renu Singh, asking her to pay stamp duty/court fee on such valuation. This order has attained finality.

9. This Court finds that petitioner has *prima facie* established that Shop No.7 is similarly situated and just adjoining to Shop No.6, having equal area and nature of construction is 20 years old, without roof. Both shops are situated in same Sukh Sagar Chamber opening in 10 feet wide gali. *Prima facie*, the valuation of Shop No.7, as made by respondents in valuation report Ex.R/1, appears to be suffering with some illegality/ irregularity for the reason that the depreciation value of DLC rate by 20%, which is applicable for the 20 year old premise, has not been made. Similarly, no depreciation, while applying the rate of construction without roof, which should be 25% of Rs.900/- per sq. feet, has been done. Therefore, the valuation report (Annx.R/1) may not be accepted as it is.

10. In the considered opinion of this Court, since the issue involved is only in respect of assessment of valuation of Shops No.6 & 7 for the purpose of payment of stamp duty/court fee for issuance of probate on Will of petitioner, therefore, instead of

remanding the matter for reassessment of valuation of Shop No.7, the valuation as made by respondent for Shop No.6, which is adjacent and similarly situated, can be taken into consideration and applied for Shop No.7 as well. Respondents have also failed to point out any justification or reasons that Shop No.7 has any different valuation than Shop No.6 for one or other reasons, whatsoever may be.

11. For the above reasons, the instant writ petition succeeds and is hereby allowed. The impugned order dated 30.03.2019 is set aside. It is hereby directed that for issuance of probate certificate on Will in favour of the petitioner in respect of Shop No.7, valuation of Shop No.7 be considered as Rs.21,53,270/-, same valuation as has been accepted by the District Judge for adjoining situated Shop No.6, while issuing probate certificate for Shop No.6 in favour of Smt. Renu Singh vide its judgment dated 10.12.2018. Accordingly, petitioner may pay stamp duty/court fees on valuation of Rs.21,53,270/- for issuance of probate in respect of Shop No.6 instead on valuation of Rs.45,91,428/- and on payment of stamp duty/court fees, probate certificate may be issued in favour of petitioner as well for Shop No.7.

12. Learned trial Court is expected to proceed in terms of this order for issuance of probate certificate.

13. All pending application(s), if any, stand(s) disposed of.

(SUDESH BANSAL),J

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