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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 07th July, 2025*

+ CM(M) 1148/2025 & CM APPL. 38918-38919/2025

SURAJ KAPUR (DECEASED) THR L.R SANDEEP
KAPUR

.....Petitioner

Through: Mr. Siddharth Malik and Mr. Rohan
Malik, Advs.

versus

SUBODH GUPTA & ANR.

.....Respondents

Through: Mr. Ankur Agnihotri, Adv.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner takes exception to order dated 2nd May, 2025, whereby their application moved under Order VII Rule 10 and Rule 11 of the Code of Civil Procedure, 1908 has been dismissed.
2. According to the petitioner/defendant, the plaintiff has sought relief(s) of permanent injunction and mandatory injunction but has valued the suit at Rs.3,10,000/- and Rs.130/-, respectively, without giving any specific reason. He submits that though the learned Trial Court appreciated the abovesaid aspect, it still dismissed his application.
3. Learned counsel for the respondent appears on advance notice and submits that there is no illegality in the impugned order. He also contends that the intent of the petitioner is to, somehow, take a backdoor entry.
4. Learned counsel for the petitioner, in all fairness, submits that the defence of the petitioner has already been struck off by the learned Trial Court and he also admits that the case is at the stage of final arguments.



5. As per Section 8 of Suits Valuation Act, 1887 and Section 7(iv)(d) of the Court Fees Act, 1870, wherever a relief of injunction is claimed, the valuation given by the plaintiff has to be accepted as there is no specific valuation for such relief of injunction. It was in the abovesaid backdrop only that the learned Trial Court was compelled to observe that there was no legal defect in valuation.

6. Of course, plaintiff cannot adopt a dual policy of valuing his suit at a certain value for the purpose of jurisdiction and differently, for the purpose of payment of court fees. Once the suit has been valued at a certain value, the court fees need to be paid, mandatorily, on the same valuation.

7. However, herein, the court fee has been paid as per valuation.

8. The defendant, merely, expresses his astonishment about the manner and extent of valuation.

9. It is settled law that in such type of matters, it is not open for the Court to form its own opinion and substitute it with the plaintiff's opinion that the suit ought to be valued at a certain value, different from that which has been put by the plaintiff, unless it is shown to be arbitrary or unreasonable. Reference be made to *Shakuntala Rani v. Rajesh Bhatt (Deceased) through LRs.*: 1999 SCC Online Delhi 289. In *Tara Devi v. Sri Thakur Radha Krishna Maharaj*: 1987 SCC Online SC 307, it is observed that it is only in cases where it appears to the Court on the consideration of the facts and circumstances of the case, that the valuation is arbitrary, unreasonable and the plaint has been demonstratively undervalued that the Court may examine the valuation and reverse the same.

10. Here, there is nothing which may indicate that valuation is absolutely bizarre or wholly unjust. During course of the arguments also, learned



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counsel for the petitioner could not point out any legal defect in such valuation.

11. Thus, this Court does not find any compelling reason to invoke its supervisory jurisdiction under Article 227 of the Constitution of India and to interfere with the impugned order.

12. The petition is, accordingly, dismissed in *limine*.

13. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 7, 2025/gunn/js