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

% ***Date of Decision: 31<sup>st</sup> July, 2025***

+ CM(M) 686/2019 & CM APPL. 31170/2025

RAJ PAL SHARMA

.....Petitioner

Through: Mr. Rajeshwar Kr. Gupta with Ms.  
Chauhan, Advocates.

versus

PRITAM DEVI (DECEASED) & ORS

.....Respondent

Through: Mr. Avinash Lakhnpal, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The matter has a chequered history.
2. A suit was filed by the petitioner herein way back in the year 2011 seeking Declaration, Cancellation of Gift Deed and for Injunction.
3. During the pendency of the abovesaid suit, an application was moved by defendant No. 5 under Order VII Rule 11 CPC whereby he contended that the suit had not been properly valued for the purposes of Court Fee and that the plaintiff should have valued his suit at Rs, 1,00,00,000/- and should have also paid *ad valorem* Court Fee on the said amount.
4. After hearing both the sides, learned Trial Court allowed such application of the defendant No.5 *vide* order dated 01.07.2017 and while observing that the suit had not been properly valued and the requisite court fee had not been paid, simultaneously, granted time of 12 days to the plaintiff to properly value the suit and to make up the deficient Court Fee.
5. It seems that after disposal of the abovesaid application, the plaintiff filed four applications seeking amendment in the plaint. Two such



applications were withdrawn whereas the other two were dismissed by the learned Trial Court. Since the deficiency had not been made up in terms of order dated 01.07.2017, the suit was also rejected.

6. The present petition has been filed by the plaintiff challenging all such orders.

7. When the present petition was taken up by the learned Trial Predecessor Bench on 02.12.2019, the impugned order was set aside and the plaintiff was permitted to amend the suit and the learned Trial Court was directed to proceed further with the suit.

8. Such order was, however, challenged by defendant No.5 by filing *Special Leave Petition* and such appeal i.e. Civil Appeal No. 4717/2023 was disposed of by the Hon'ble Supreme Court by comprehensive order dated 28.07.2023.

9. The Hon'ble Supreme Court, while setting aside the abovesaid order dated 02.12.2019, asked this Court to decide the matter afresh and the parties were permitted to take all legally available contentions before this Court for decision afresh.

10. This Court, in terms of the specific directions given by the Hon'ble Supreme Court, has heard both the parties at length.

11. Learned Counsel for defendant No.5 submitted that, though, the order whereby the suit was, eventually, rejected should have been a subject matter of an appeal and, though, supervisory jurisdiction should not have been invoked by filing a petition under Article 227 of Constitution of India, he would have no objection to the disposal of the present petition, if the plaintiff is agreeable to value the suit in terms of the directions given by the learned Trial Court on 01.07.2017 and deposits the requisite Court fee in a



time-bound manner.

12. Learned counsel for petitioner/plaintiff submits that, in terms of instructions, the plaintiff is also not desirous of prolonging the matter and is now keen on concentrating on his suit and would abide by the directions given by the learned Trial Court in impugned order dated 01.07.2017.

13. He submits that, however, in order to make the things straight, the plaintiff may be permitted to amend his plaint, strictly in terms of the observations given by the learned Trial Court in para 11 and para 12 of the impugned order dated 01.07.2017.

14. In view of the above, there is no point in keeping the present petition alive and with the consent of learned counsel for both the parties, the present petition is disposed of with direction to petitioner/plaintiff to deposit the deficient Court fee as directed by the learned Trial Court in its order dated 01.07.2017 within 15 days from today.

15. The suit has, reportedly, been adjourned *sine die*.

16. Both the parties would take steps to get the suit revived. Once the deficient Court fee, as undertaken today, is deposited within 15 days from today, the order of rejection of the suit dated 02.03.2019 would cease to exist. The amendment, if any, would be permissible only to the extent to the observations made by the learned Trial Court in order dated 01.07.2017.

17. Once the deficient Court Fee is made up and the suit stands revived, the learned Trial Court would be at liberty to proceed further with the matter.

18. Needless to say, if after such revival, the plaintiff is of the view that there is still some requirement of amending the suit, it will be entirely up to him to move any such application and learned Trial Court, after hearing both the parties, would dispose of the same, in accordance with law.



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19. Fact, however, remains that since the suit is of the year 2011, both the parties are requested to give requisite cooperation and assistance to the learned Trial Court so that the suit reaches its logical end, without any further delay.
20. Petition stands disposed of in aforesaid terms.
21. Pending application also stands disposed of in aforesaid terms.
22. A copy of this Order be given *dasti* under the signatures of Court Master.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 31, 2025/sw/JS**