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(1909) 12 CAL CK 0011

Calcutta High Court

Case No: None

Shrinath Chandra Pramanick and Others		APPELLANT
	Vs	
Secretary of State for India in Council		RESPONDENT

Date of Decision: Dec. 20, 1909

Citation: (1909) 12 CAL CK 0011

Judgement

1. No one appearing for the Opposite Party, we think that these Rules must be made absolute; The order of the lower; Court, appears to be

incorrect, having Regard to the provisions of Section 7 Sub-section (4), Clause (c) of the Court Fees Act. In these suits, not only is a declaratory

decree sought but consequential relief by amendment of the record-of-rights is also asked for. In such cases, the Court-fees, in terms of that

section, must be determined by the amounts at which the reliefs sought are valued is the plaints and not at the sum of ten rupees required for a

declaratory decree. We, therefore, direct that the order complained of be set aside and the cases sent back to the lower Court for re-admission

after it has determined the amounts at which the reliefs sought are to be valued and after the institution fees or those valuations have been paid. We

make no order as to costs.