

Certified Copy of Application along with Affidavit dated 25.11.1964 in Civil Suit No. 28 of 1970 ( 14 of 1969/ 37of 1966, and 271 of 1948) Syed Ilmuddin V /S Hakim Inayat Hussain and another of the Court of Civil Judge, Ajmer attached with D.B. Civil Special Appeal No.131 of 1974 Syed Saulat Hussain V/S Syed Ilmuddin and others.

IN THE COURT OF MUNSIFF AJMER, WEST, AJMER.

SUIT NO. 271 OF 1948.

Syed Ilmuddin ( through Shri Swaroop Narain Advocate ) .

PLAINTIFF.

V / S

1. Hakim Inayat Hussain died -- represented by Shri Syed Saulat Hussain and others.

( through Shri S.S. Deedwania Advocate Ajmer).

2. Dargah Committee, Ajmer..... DEFENDANTS.

APPLICATION UNDER ORDER 14 RULE 2 AND ORDER 7 RULE 10/11 C.P.

CODE.

The defendant No. 2 begs to submit :-

1. In the above case issue No. 3 relates to insufficiency of court fee and low valuation of the suit. The valuation already fixed in Plaintiff is Rs. 500/-.
2. That the trial of the said issue in the very first instance is necessary and essential under the Law, as no suit can proceed, without payment of proper court fee.
3. That " all emoluments and perquisites " attached to the office of Sajjadanashin of the Dargah ( per year ) on the date of suit were approximately Rs. 40,800/- as under :-
  1. Annual income from village Dantras. Rs. 1800.00
  2. Annual income from Kishanpura & Hokra. Rs. 4500.00
  3. Annual income from village Galitha. Rs. 10000.00
  4. Annual income from Aurangabad. Rs. 4000.00
  5. Annual income from Darbhanga. Rs. 1300.00

6. ~~xxxxxxx~~ For occupation of rent from Khanqa and

Haveli Dargah ( occupied By Dewanji ).

Rs.3000.00

7. Theka money from Khadims per year.

Rs.1000.00

8. Nazars and offerings from the devotees from all over the world roughly.

Rs. 3000.00

9. Salary from H.E.H. the Nizam of Hyderabad.

Rs. 1200.00

10. Income of forest of Khwajapura.

Rs. 500.00

11. Misc. Income of Privileges and Perquisites

Rs. 2500.00

12. Maufi Income of village Ganahera.

Rs. 1500.00

13. Maintenance and Education of family members

of Dewan Sahib from Dargah Committee.

Rs. 2500.00



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Rs. 40800.00



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4. That the Plaint is silent as to the value of the Perquisites with the obvious desire to save court fee and this is not permissible.
5. That the determination of the above matter is essential.
6. An affidavit is attached .
- Prayer It is prayed, that the Learned court may be pleased to determine the said issue and to require the Plaintiff to pay the proper court fee before the trial of other issues.

For this the defendant No. 2 shall pray.

Ajmer.

Sd/- Advocate

Dated. 25.11.1964.

COUNSEL FOR DEFENDANT NO. 2.

