

Whimsical valuation

Mulk Raj Khullar v. Anil Kapur & Ors., (2013) 139 DRJ 303 referred and explained. High Court, committed serious error by referring to a passage in Mulk Raj Khullar's case in isolation and detached from the substance, where the Court had indicated want of any argument about whimsical valuation. That observation in paragraph 30 in the decision of Mulk Raj Khullar's case came in the context of observations in another decision of Delhi High Court in the case of Padmavati Mahajan v. Yogender Mahajan and Another, 2008 (152) DLT 363, wherein the Court had observed that a suit for injunction could be valued by the plaintiff in his/her discretion subject to the condition that such discretion ought not to be whimsical. The use of generalised expression "whimsical" without specifications, has been picked up by the High Court in the impugned order and then, the market value of the plot in question, as stated by the plaintiff in his cross-examination, has been taken by the Court to be indicative of arbitrariness in valuation. With respect, the High Court even missed out the relevant statement of law in the very passage reproduced in Mulk Raj Khullar, wherein it was stated in clear terms that such a suit was "not required to be valued at the market value of the property."

[2022 SCeJ 768, 2022 PLRonline 7907, \(2022-3\)207 PLR 092 \(SC\) \(SN\)](#)

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