

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1119 of 2015

Date of decision : December 3, 2015

Brij Mohan Singh Dutta

..... Petitioner

Versus

Virsa Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Salil Bali, Advocate
for the petitioner.

Mr. O. P. Dabla, Advocate
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The petitioner-plaintiff is aggrieved of the order whereby the trial court has called upon the petitioner to pay ad valorem court fee on the market value of property.

Learned counsel appearing on behalf of the petitioner submits that in view of the ratio decidendi culled out by the Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh Vs. Randhir Singh and others 2010 AIR (SC) 2807**, the petitioner would pay court fee on the sale consideration mentioned in the sale deed and not on the market value and this fact had been admitted in the written statement by the defendants also.

Learned counsel appearing on behalf of the respondents-defendants submits that there is no ambiguity/illegality

in the order whereby the trial court has called upon the petitioner-plaintiff to pay ad valorem court fee on the market value of the property.

I have heard learned counsel for the parties and appraised the paper book.

No doubt the petitioner-plaintiff is signatory to the sale deed as admitted by the respondents-defendants in the written statement Ex.D-2 and the plaintiff has also under taken to pay court fee as per the sale consideration shown in the sale deed in view of the ratio decidendi culled out by the Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh's case(supra).**

In view of the above, I am of the view that the reasoning assigned by the trial court in calling upon the petitioner-plaintiff to pay the ad valorem court fee on the market value is not in consonance with the ratio decidendi culled by the Full Bench in **Niranjan Kaur Vs. Nirbigan Kaur 1982 PLR 127.**

Accordingly the impugned order is set aside to the extent that the petitioner-plaintiff shall pay the ad valorem court fee on the basis of sale consideration mentioned in the sale deed and not on the market value.

The revision petition is allowed.

**(AMIT RAWAL)
JUDGE**

**December 3, 2015
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