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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.1757 of 2015

Date of decision: March 26, 2015

Hari Singh

.....Petitioner

Versus

Balwinder Kaur and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Tribhawan Singla, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 16.01.2015.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner had filed suit for declaration that he was owner-in-possession of the suit land and has challenged the sale-deed dated 01.08.2013 executed by him in favour of Balwinder Kaur on the ground that it was a forged and fabricated document and had been fraudulently prepared by the defendants.

Defendants moved an application under Order 7 Rule 11 of Code of Civil Procedure, 1908 ('CPC' for short) for rejection of the plaint as the petitioner had failed to affix the ad-valorem court fee. Vide impugned order, the said

application was allowed. Hence, the present petition.

In the present case, petitioner is challenging the sale-deed executed by him in favour of the respondent No.1 on the ground that it was a result of fraud. Although, case of the petitioner is that he was in possession of the property in question, but a perusal of the sale-deed (Annexure A-1) reveals that the possession of the property in question had been handed-over by petitioner-vendor to the purchaser-respondent No.1. In these circumstances, petitioner was required to affix ad-valorem court fee.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 26, 2015

m.singh