

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

**CR No.1822 of 2012 (O&M)
Date of decision: 10.12.2015**

Kuljinder Kaur

... Petitioner

versus

Nirmal Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Virender Kumar , Advocate for the petitioner.

Ms. Sonia G. Singh, Advocate for the respondents.

K.Kannan, J.

The *ad valorem* Court fee that was directed to be paid on the stated consideration in the sale deed in the application filed by the defendant, was accepted by the trial Court. The grievance of the plaintiff is that the value of the property for the purpose of court fee shall be on the basis of the revenue payable in respect of agricultural land as per the notification issued by the Haryana Government and consequently the direction for payment of additional Court fee was not justified. I accept the plea and find that the assessment of the value of the property shall be in the manner dictated by the Government notification and after the assessment to the value on the basis of revenue, the Court will assess the court fee thereon at the percentage as per the provisions of Court Fees Act.

Counsel says that the suit has been decreed during the pendency of the civil revision petition and to enable the Court to prepare a decree, the plaintiff has also paid the Court fee on the consideration stated in the sale deed. The correct Court fee will be reckoned and the Court is directed to refund the additional Court fee in excess over the fee payable on the basis of the Haryana Government notification. There shall be compliance of this direction on

production of this order by the Court irrespective of the fact that the decree has been drawn already and the case is no longer pending. If the decree would require to be amended for incorporating the correct costs, that could be taxed on the defendant, the Court shall do so on the basis of this order.

The impugned order is modified and the revision petition is allowed on the above terms.

10.12.2015
kv

(K.KANNAN)
JUDGE