

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2075 of 2013

Date of Decision.23.04.2015

Ruchi Rani and another

.....Petitioners

Versus

Ravi Shankar and another

.....Respondents

Present: Mr. Abhishek Yadav, Advocate
for the petitioner.

Mr. Mohit Jaggi, Advocate
for respondent No.1.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

-. -

K. KANNAN J. (ORAL)

1. The revision petition is at the instance of the defendant, who has taken an objection to the frame of the suit and the court fee paid by the plaintiff who assails the sale deed executed by him in favour of the defendant. The defence was that when the plaintiff is seeking to set aside the sale, he is bound to pay ad valorem court fee on the value of the property containing the transaction which is sought to be assailed. I sought to elicit from the counsel appearing on behalf of the respondent whether he was denying the signature in the document itself or whether he was setting up any of vitiating circumstances as attendant on the transaction to set aside the same. The counsel informs that he is admitting the signature found in the document and the sale deed itself shows that the copy of the sale deed produced before the Court itself

shows that the defendant has appeared before the Registrar and his signature is also affixed at the time of registration of the document. If the plaintiff would, therefore, seek for setting aside the sale on the ground that there are vitiating circumstances that could justify the transaction to be termed as voidable and to have the transaction set aside, it should be valued appropriately on the basis of what the market would fetch and pay ad valorem court fee on such valuation and the plaintiff cannot adopt a variant valuation as it has been done.

2. The order passed allowing the plaintiff to continue with the suit with original fee paid cannot be sustained. The order is set aside. The plaintiff is directed to value the property sold through the sale deed which is sought to be set aside on the date of the institution of the suit and pay ad valorem court fee thereon. The Court fee shall be submitted before the Court below within a period of six weeks from the date of receipt of copy of this order failing which the plaint will be ordered to be rejected. The civil revision is allowed with the above directions.

(K. KANNAN)
JUDGE

April 23, 2015
Pankaj*