

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.2509 of 2015 (O&M)

Date of Decision: 22.04.2015

Raj Kumar

.....Petitioner

Versus

Saroop Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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?

Present:- Mr. V.K.Sandhir, Advocate,
for petitioners.

SHEKHER DHAWAN, J

Petitioner has challenged the order dated 21.02.2015 (Annexure P-5) whereby Civil Judge (JD) Dasuya dismissed the application filed by petitioner for making a request to the Court to issue directions to the respondent to affix the Court fee on counter claim as per market value of the land.

2. Petitioner had filed suit for permanent injunction for restraining the respondents or their agents from interfering in any manner in the peaceful possession of the plaintiff in respect of land measuring 46 Kanal and 3 Marla. Respondent-defendant put their appearance and filed written statement and also filed counter-claim. Petitioner filed an application for rejection of counter-claim being undervalued mainly on the ground that the

valuation of the property was more than ₹25,00,000/- per acre of land and as such defendants were required to affix **ad veolram** Court fee.

3. Learned trial Court after appreciating facts of application and reply dismissed the application.

4. Mr. V.K.Sandhir, Advocate learned counsel for petitioner took the plea that learned Court below has not appreciated the controversy **its true** prospective. The Court fee was required to be affixed as per **ad veolram** basis. Learned counsel for petitioner also took the plea that if the revenue record does not show that the land was assessed to land revenue then the value of suit land was to be assessed as per market value on **ad veolram** basis. On this point reliance was placed upon judgment of this Court in case **Bawa Gurdial Singh Vs. Kulwant Singh (deceased) and others 1989(2) RLR 306 P&H** wherein such a view was taken.

5. I have considered the submissions made by learned counsel for the petitioner and also gone through the judgment from co-ordinate Bench of this Court and of the considered view that learned Civil Judge (JD) Dasuya has rightly taken a view that in the present case land revenue was assessed on the suit land as ₹13/-. The land revenue was also assessed on the suit land as per jamabandi in the year 2001-02 of 7.20 Paise.

6. Petitioner cannot be penalised if no land revenue was assessed in the latest jamabandi for the year 2006-07. However as per revenue record the suit land had been mentioned to be 'Chahi' and that land has been assessed by the Revenue Department. The requisite Court fee on counter-claim as per the land revenue assessed on the basis of latest jamabandi available has been affixed. Court below has rightly dismissed the application.

7. The present revision petition is without any merit and same stands dismissed.

**(SHEKHER DHAWAN)
JUDGE**

April 22, 2015
msd