

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

Civil Revision No.2253 of 2014 (O&M)

Date of decision:03.03.2015

Iqbal Singh

... Petitioner

versus

Amar Singh @ Ambu and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Harjot Singh Mann, Advocate,
for the petitioner.

Mr. B.S. Jaswal, Advocate,
for respondent No.1.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

The revision petition is against the dismissal of a petition for rejection of a plaint filed under Order 7 Rule 11 CPC. The petitioner's contention was that the plaintiff, who sought for cancellation of a sale deed, was required to value the suit on consideration mentioned or the market value and pay ad valorem court fee. It was a case of the plaintiff challenging the sale effected by the first defendant in favour of defendant No.2. In any plaint that a relief of injunction is made, it has to be seen whether the plaintiff himself as a party will be bound, or it is a case where a person seeks

to contend that a particular sale is not binding on him when he was not himself a party to the document. In the latter situation, the core contention cannot be taken as regards the truth of the fact of sale but it should be taken as only a sale which is not binding. The counsel for the petitioner relies on a judgment in **Suhrid Singh @ Sardool Singh Versus Randhir Singh and others-AIR 2010 (SC) 2807** where the Supreme Court was explaining the situation of when the ad valorem court fee would be payable. The court was holding that a non-executant who is not in possession and who seeks not only a prayer for declaration that the sale deed is invalid but recovery possession is also sought, he has to pay ad valorem court fee. In this case, the non-executant is seeking for annulment of sale and there is no prayer for recovery of possession. This judgment does not therefore apply to this case. There is no warrant for intervention to the impugned order. The order is sustained and the revision petition is dismissed.

(K.KANNAN)
JUDGE

03.03.2015
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