

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

C.R. No.3066 of 2012

Date of Decision.05.05.2015

Kuldip Singh

.....Petitioner

Versus

Nachhattar Singh

.....Respondent

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Ms. Nidhi Ayer, Advocate
for the respondent.

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?

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K. KANNAN J. (ORAL)

1. The suit for recovery of possession is couched as relief for mandatory injunction and a notional court fee of ₹ 100/- is paid. The framing of suit is erroneous and even if it is stated to be a relief of mandatory injunction, the true purport of the case is only for recovery of possession. The plaintiff is bound to value the property and pay ad valorem court fee for such a relief. The plaintiff is directed to pay the ad valorem court fee on the value of the property as assessed. If it is not already assessed, the Court will order a bailiff to assess the value and issue a check slip for payment of court fee in the manner assessed by the Court.

2. The order already passed is set aside and the civil revision is disposed of with the above direction. The consequence of the non-

payment of court fee will follow in the manner provided under the Civil
Procedure Code.

(K. KANNAN)
JUDGE

May 05, 2015
Pankaj*