

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

KUMAR MANOJ
2015.01.19 11:24
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C.R. No.345 of 2015 (O&M)
Date of Decision:-15.01.2015

Vinod Kumar and another

.....Petitioners.

Versus

Raj Kumar and Others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Liaqat Ali, Advocate for the petitioners.

JASWANT SINGH, J.(ORAL)

Defendant Nos.1 & 5 are in revision assailing the order dated 11.8.2014 (P.2) passed by the learned Addl. Civil Judge (Sr. Division), Nakodar whereby their application under Order 7 Rule 11 CPC for rejecting the plaint for not affixing the ad valorem court fee, has been dismissed.

It is apparent that the plaintiff-Raj Kumar had filed a suit for separate possession against his brother-defendant No.1 and three sisters/defendant Nos.2 to 4 and Bhabhi-defendant No.5 (wife of defendant No.1). He seeks half share in the suit property while assailing the sale deeds executed by the sisters in favour of his Bhabhi being a sham transaction. It is further apparent that the plaintiff not being an executant of the sale deeds and having pre-existing right in the property was not required to affix the court fee.

After making some submissions and having failed to convince the court, learned counsel for the petitioners prays for withdrawal of the present petition.

Dismissed as withdrawn.

January 15, 2015
manoj

(JASWANT SINGH)
JUDGE