

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3362 of 2012
Date of Decision: 24.3.2015.**

Mohinder Singh

.....Petitioner

Versus

Kewal Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. P.S.Dhaliwal, Advocate
for the petitioner.

Ms. Rajwinder Kaur, Advocate
for the respondent.

SABINA, J.

Petitioner has filed this petition under under Article 227 of Constitution of India challenging the order dated 26.4.2012 (Annexure P-4) whereby he was directed to affix *ad valorem* Court fee on the plaint.

Learned counsel for the petitioner has submitted that petitioner is an old man and had challenged the transfer deed alleged to have been executed by him in favour of the respondent. In fact, the said transfer deed dated 14.8.2006 was a result of forgery and fraud.

Learned counsel for the respondent, on the other hand, has opposed the petition and has submitted that since the petitioner was challenging the transfer deed on the ground that it was a result of forgery and fraud, petitioner was liable to affix

ad valorem Court fee. In support of his arguments, learned counsel has placed reliance on '**Ajmer Singh versus Punjab Singh (minor) and another**' 2007(3) Civil Court Cases 717, wherein it was held as under:-

“It is not in dispute that while seeking the relief of injunction, the petitioner has also challenged sale-deed to be outcome of fraud, therefore, not binding on him. Consequently, the learned trial Court was right in coming to the conclusion that the petitioner was liable to pay the ad valorem court-fee as the sale-deed was challenged. There is no illegality in this order which may call for interference by this Court. ”

In the present case, the transfer deed dated 14.8.2006 has been executed by the petitioner. Since the petitioner is challenging the execution of the same on the ground that it is a result of fraud and forgery, petitioner is required to affix *ad valorem* Court fee on the basis of the value of the property in question. In these circumstances, the learned Trial Court had rightly directed the petitioner to affix *ad valorem* Court fee.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 24, 2015
Gurpreet