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

CR No.3663 of 2015

Date of decision: May 27, 2015

Sat Pal

.....Petitioner

Versus

Bharat Bhushan and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Santosh Sharma, Advocate for
Mr. Sham Lal Bhalla, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 09.04.2015, whereby application moved by the defendant No.1 under Order 7 Rule 11 of Code of Civil Procedure, 1908 ('CPC' for short), was allowed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

In the present case, petitioner has filed suit for possession by way of declaration to the effect that he was owner of the land in question and the mutation of exchange bearing No.5605 was illegal, null and void. Thus, in the present case, petitioner has challenged the mutation of exchange and has claimed a relief of possession of the suit property and declaration that he was owner of the suit property. Since the petitioner has claimed the relief of

possession, he is liable to affix *ad valorem* Court fee on the plaint. It has been noticed by the trial Court that while passing the impugned order that the suit property was not subject to land revenue. Hence, the learned trial Court rightly held that the petitioner was liable to affix the *ad valorem* Court fee on the plaint.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 27, 2015
m.singh