

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

C.R. No.3525 of 2014
Date of Decision.20.05.2015

M/s CEE ENN Estates Pvt. Ltd.

.....Petitioner

Versus

Balwant Singh Gill and others

.....Respondents

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Satinder Khanna, Advocate
for respondent No.1.

Mr. J.S. Dhaliwal, Advocate
for respondent No.3.

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?

-. -

K. KANNAN J. (ORAL)

1. In a suit for declaration that a particular sale deed is null and void, the plaintiff has merely valued the suit for declaration and the objection was that the plaintiff must pay ad valorem court fee on the market value of the property which is covered under the sale deed.

2. The counsel for the revision petitioner-defendant states that the plaintiff is not in possession of property and he is bound to therefore pay ad valorem court fee on the basis of the judgment of the Supreme Court in Surhid Singh @ Sardool Singh Vs. Randhir Singh and others **AIR 2010 SC 2807**. On an issue of Court fee, the plaint averments alone will govern the issue unless the averments are deliberately made to evade the court fee. Consequently relief which the plaintiff has asked

along with the declaratory relief with injunction restraining the defendant from transferring the property cannot be understood as containing a prayer for recovery of possession. If the plaintiff is prepared to have a declaratory relief with the injunction in the manner that he has sought and would want no relief of recovery of possession, the defendant cannot state that since he is in possession, possession must be asked for. I will find no reason for making an intervention with the order passed.

3. The revision petition is disposed of with the above observations.

(K. KANNAN)
JUDGE

May 20, 2015
Pankaj*