

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

CR-3537-2014

Date of decision: July 16, 2015

RAMESH KUMAR

.....Petitioner

Versus

M/S BOSTAN FOUNDATION FOR EDUCATION AND RESEARCH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Parshant Bansal, Advocate
 for the petitioner.

 Mr. B.S. Bedi, Advocate,
 for the respondent.

SABINA, J

Petitioner has filed this petition challenging the order dated 18.04.2014 (Annexure P-6).

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

Respondent filed suit for declaration that the agreement of sale dated 13.04.2008 be declared null and void, inoperative and cancelled. On the pleadings of the parties, issues were framed by the trial Court. Then, the case was listed for evidence of the plaintiff. Petitioner-defendant moved an application that the plaintiff be directed to affix the requisite Court fee. Trial Court while disposing of the application, framed additional issue regarding Court fee. The case of the petitioner is that since the respondent was seeking cancellation of the agreement to sell, he was required to affix the necessary Court fee, whereas the case of

the plaintiff was that he was not required to affix *ad valorem* Court fee at this stage. The agreement to sell could not be construed as a document of title.

In the facts and circumstances of the present case, learned trial Court rightly framed the issue as to whether the suit was bad for insufficient Court fee. Thus, at the time of the decision of the case the Court shall adjudicate upon the matter as to how much Court fee was necessary to be affixed by the plaintiff.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

July 16, 2015
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