

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 4651 of 2015 (O&M)
Date of Decision: 27.07.2015.**

Abhey Singh

.....Petitioner

Versus

Surender and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arun Yadav, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 13.4.2015 (Annexure P-4) whereby application moved by the defendants under Order 7 Rule 11 of the Code of Civil Procedure, 1908 ('CPC' for short), was allowed.

Learned counsel for the petitioner has submitted that the petitioner had not claimed the relief of possession as he was already in possession of the suit land. Petitioner had merely sought declaration challenging the release deed dated 18.7.2013. Hence, the petitioner was not required to affix the *ad valorem* Court fee.

Petitioner has filed suit for declaration challenging the release deed dated 18.7.2013 on the ground that it was a forged document and was a result of cheating and forgery. Since the petitioner has challenged the release deed dated 18.7.2013 which

was executed by the petitioner himself, petitioner is required to affix *ad valorem* Court fee. The learned Trial Court had rightly allowed the application moved by the defendants under Order 7 Rule 11 CPC and directed the petitioner to affix *ad valorem* Court fee.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 27, 2015
Gurpreet