

In the High Court of Punjab and Haryana at Chandigarh

CR No. 4661 of 2015

Date of decision: 27.07.2015

Smt. Hardevi through her LRs

.....Petitioners

Versus

Om Parkash and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.M.S.Dalal, Advocate
for the petitioners.

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SABINA, J

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 20.5.2015 (Annexure P3) 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 petitioners has submitted that the plaintiff had filed the suit for declaration and claimed joint possession of the suit property. Plaintiff was not required to affix ad-valorem court fee.

In the present case, plaintiff-Har Devi (since deceased) filed suit for declaration and joint possession. Plaintiff has challenged the sale deed dated 3.5.2005 executed by her. In these circumstances, since the plaintiff has challenged the sale deed

executed by her, she was liable to affix ad-valorem court fee. Hence, the learned trial Court had rightly allowed the application moved by the defendants under Order 7 Rule 11 CPC.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 27, 2015
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