

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

CR No.4723 of 2015

Date of decision : 18.12.2015

Bindu Sharma

...Petitioner

Versus

Ramesh Rampal and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Zorawar Singh Chauhan, Advocate for the petitioner.

Mr. C.L. Sharma, Advocate for respondents.

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**AMIT RAWAL, J. (Oral)**

The petitioner-plaintiff is aggrieved of the order dated 11.05.2015, whereby on application filed under Order 7 Rule 11 CPC by the respondent-defendant vis-a-vis non-payment of the advalorem Courts fees, vide which the petitioner-plaintiff has been called upon to pay the courts fees as per the market value of the property.

Learned counsel appearing on behalf of petitioner-plaintiff submits that suit is for partition and separate possession by metes & bounds of the property bearing Municipal Corporation No.B-XIII-120, measuring 12 marlas situated at 80, Ranjit Nagar, Jalandhar to the extent of 1/3<sup>rd</sup> share.

He further submits that since there are other co-sharer, who are not in possession of the entire property.

Mr. C.L. Sharma, learned counsel appearing on behalf of respondents-defendants submits, that there is no illegality and perversity in the order. Order has been passed in consonance with the provision of Section 7(v) of the Indian Courts Fees Act, 1870.

I have heard learned counsel for the parties and appraised the paper book.

Prayer in the suit reads thus:-

*“Hence, it is respectfully prayed that the Hon'ble Court be pleased to pass a decree of partition and separate possession of each share holder regarding the property bearing Municipal Corporation No.B-XIII-120, measuring 12 marla (300 square yards) situated at 80, Ranjit Nagar, Jalandhar fully detailed in the T.S.-1 Form issued by the M.C. Jalandhar and bounded as under:-*

*East:- Street/Kartar Singh*

*West: Police Line/Family of Malook Singh*

*North: Police Line/Kartar Singh*

*South: Street/Malook Singh*

*to the extent of 1/3<sup>rd</sup> share of each joint owner and a decree of permanent injunction restraining the defendants from selling, alienating and transferring the property in dispute in any manner whatsoever, till the property is partitioned by final decree by meets and bounds through court order and plaintiff takes actual possession of her share in the property in compliance of the final decree which may be passed by the Hon'ble Court. Any other additional or alternative relief may also be granted in favour of the plaintiff which may be deem fit by this Hon'ble Court.”*

On going through the prayer clause, I am of the view that since the petitioner has claimed 1/3<sup>rd</sup> share for that she required to pay Courts fees vis-a-vis her share and not on the entire market value of the property.

Keeping in view the aforementioned facts, impugned order is modified to the aforementioned extent. It is clarified that petitioner-plaintiff is required to pay the courts fees vis-a-vis her share claimed in the suit and not on the entire market value.

With the aforementioned modification in the order under challenge, revision petition stands disposed of.

**18.12.2015**

*pawan*

**(AMIT RAWAL)  
JUDGE**