

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 456 of 2014 (O/M)
Date of decision : 20.11.2015

Gurmail Singh

..... Revisionist

Versus

Parkash Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Naresh Prabhakar, Advocate, for the revisionist.

Mr. Ramesh Sharma, Advocate,
for respondents No. 1 to 5.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Challenged in the present revision is the order dated 16.12.2013 (Annexure-P-5), passed by the learned Civil Judge (Junior Division), Kapurthala, vide which the plaintiff (revisionist herein) was ordered to pay ad-valorem court fee.

It comes out that the plaintiff has challenged two sale deeds dated 30.5.2002 and 3.5.2010, executed by Balbir Singh. He has sought declaration to the effect that these are illegal.

I have heard the learned counsel for the parties and have

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also carefully gone through the file.

It comes out that the plaintiff is not party to those sale deeds. Therefore, it cannot be said that he is seeking cancellation of the sale deeds, executed by him or to which he is party. In this situation, the lower Court has wrongly relied upon the authorities of this Court in Jatinder Nath Sharma and another Versus Vijay Gupta and another, 2006 (4) RCR (Civil), 539, and Bikkar Singh Versus Jeet Singh, 2010 (2) Civil Court Cases, 696 to hold that the plaintiff is liable to pay ad-valorem court fee. The impugned order is set aside. Consequently, the present revision is allowed.

(KULDIP SINGH)
JUDGE

20.11.2015
sjks