

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

C.R. No. 5173 of 2015 (O&M)

Date of decision:- 14.08.2015

Hari Singh

...Petitioner

Versus

Chander Singh Sehrawat and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Naresh Kaushik, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 14.05.2015 (P-5) passed by the learned Civil Judge (Jr. Divn.) Hansi, whereby the application under Order 7 Rule 11 read with Section 151 CPC has been dismissed.

The learned trial Court vide its impugned order had rightly rejected the application of the petitioner on the ground that plaintiff/respondent No. 1 has not affixed the advalorem Court fees on amount of Rs.4,50,00,000/- as in the garb of present suit, the plaintiff has sought the relief of declaration of owner in possession of the land mentioned in the head note of the plaint. The plaintiff is already in possession of the disputed property.

This fact is further clear from Annexure P-5 wherein in the head note of the plaint, the plaintiff made a prayer to the effect that the defendants be restrained from interfering into the peaceful possession of the plaintiff on the land in dispute measuring 05 kanals (3000 sq yards).

This aspect has been considered in a case titled as **Imortal Infrastructure Pvt. Ltd. v. Lookwell Life Space Pvt Ltd and others** **2012(3) CCC, 306 abd Surinder Singh and others vs. Narinder Singh 2010 (4) Law Herald (P&H) 2663**

In view of the above, the revision petition is devoid of merit and is accordingly dismissed.

August 14, 2015
G Arora

(**RITU BAHRI**)
JUDGE