

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.5318 of 2015

Date of decision: 20.08.2015

Ravita

.....Petitioner

versus

Sanjay Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Chanderhas Yadav, Advocate for the petitioner

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 20.4.2015, passed by the learned Civil Judge, Junior Division, Charkhi Dadri, vide which the application of the defendant – petitioner under Order 7 Rule 11 CPC for directing the plaintiff to pay ad valorem Court fee under Section 7(IV)C of the Court Fee Act, 1870 has been dismissed.

Perusal of the file shows that the plaintiff has sought declaration to the effect that the judgment and decree passed by the Sub-Judge 1st Class is null and void. He has also challenged the sale deed executed by his mother Santosh on the basis of said judgment and decree. By way of consequential relief, the possession is also sought.

Learned counsel for the petitioner has relied upon

authority of the Hon'ble Apex Court in Suhrid Singh @ Sardool Singh v. Randhir Singh & others, 2010(2) RCR (Civil) 564.

The Lower Court has noticed that an alternative relief of possession has been sought stating that if he fails to prove the possession then decree for possession may also be passed. Therefore, the lower Court has decided that the question whether ad valorem Court fee is to be paid or not would be decided after adducing evidence and at the time of delivering the judgment. Therefore, it appears that matter has not been finally decided.

As such, the present revision is without any merits and is dismissed.

20.08.2015
gk

(Kuldip Singh)
Judge