

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.546 of 2013
Date of Decision.28.07.2015

Surinder Pal

.....Petitioner

Versus

Darshan Lal and others

.....Respondents

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. C.M. Munjal, Advocate
for respondent Nos.1 to 4.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The revision petition is against the order passed by the Court below directing the plaintiff-petitioner to pay ad valorem court fee. The grievance of the petitioner is that he is not a party to the transaction and he has not sought for recovery of possession. According to him, the direction for payment of ad valorem court fee was wrong.

2. The counsel for the respondents says that the plaintiff and the defendants are brothers and the brothers have sold only 2/3rd share and plaintiffs' 1/3rd share is still retained by him. There is no scope for challenging the sale effected by the brothers in respect of their share. It is one thing to state that the plaintiff has no case but quite another to say that the plaintiff has not paid the ad valorem court fee. I do not think that there is any error in the court fee or the valuation adopted.

3. The order passed is erroneous. It is set aside and the civil revision is allowed.

(K. KANNAN)
JUDGE

July 28, 2015
Pankaj*