

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

**CR No. 5368 of 2014 (O&M)
Date of decision: 01.12.2015**

Smt. Ram Kaur	versus	... Petitioner
Ram Jiwan and others		 Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Amit Jain, Advocate for the petitioner.

Mr. K.K. Saini, Advocate for respondent Nos. 2 to 5.

K.Kannan, J.

The plaintiff who filed a suit for declaration that a sale deed executed by his brother in favour of the defendant purporting to act on the basis of power of attorney is illegal, null and void was directed to value the property covered by the sale and pay ad valorem court fee. The judgment is wrong. It is against the express provisions of Section 7(iv) of Court Fees Act relating to declaratory action and injunction where the plaintiff is entitled to pay Court fee brought on valuation of the plaint and he is not required to subject the relief to market value of the property covered under the document. If there is a suit for recovery of possession, the application of Section 7 (vi) under the Court Fees Act in the manner considered by the Supreme Court in Suhrid Singh @ Sardool Singh vs Randhir Singh & Ors, 2010 (12) SCC 112 would arise, otherwise not.

The order passed is set aside and the civil revision petition is allowed and there is no need to pay any additional Court fee.

**(K.KANNAN)
JUDGE**

01.12.2015
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