

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

Date of decision:02.02.2015.

Kulwant Singh and another

.....Petitioners

v.

Bharat Bhushan and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.DS Pheruman,Advocate for the petitioners

Jaswant Singh,J.(Oral)

Defendants 9 and 10, who are subsequent vendees, are in revision aggrieved by the order dated 14.1.2015 (P-5) passed by Additional Civil Judge (Senior Division)Batala whereby their application under Order 7(iv)(c) of the Court Fee Act,1870 read with Section 151 CPC for directing the plaintiffs to affix ad valorem Court fee as per sale consideration has been dismissed.

It is apparent that respondent no.1/plaintiff-Bharat Bhushan filed a suit for declaration to the effect that plaintiff and defendant no.1, who is cousin, are co-owners in joint possession of land measuring 11K5M being their share out of total land described in the plaint being the only legal heirs of Smt.Veero Devi, their grand mother, on the basis of a registered Will dated 11.8.1997 with consequential relief of permanent injunction restraining defendants 9 and 10 from alienating the suit land in any manner. Defendants 2 to 8 are rest of the family

members. Petitioners/defendants 9 and 10 are stated to be owner in possession of said 11K5M on the basis of two registered sale deeds dated 8.5.2009 for a consideration of Rs.9,80,000/- executed in their favour by defendant no.2-Chaman Lal who is uncle of the plaintiff.

Since the setting aside of the sale deeds would be involved, defendants moved an application on 5.12.2014(P-3) for directing the plaintiffs to affix ad valorem Court fee, which has been dismissed vide impugned order dated 14.1.2015(P-5).

Having heard learned counsel for the petitioners, this Court does not find any ground to interfere with the impugned order. First of all the plaintiff is not a party to the sale deeds, secondly the case concededly is at the stage of rebuttal evidence and arguments and therefore, if required the learned trial Court would grant the required relief subject to deposit of the requisite Court fee in accordance with law.

Dismissed.

02.02.2015
joshi

(Jaswant Singh)
Judge