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

CR No. 6317 of 2013

Date of Decision: December 07, 2015

Atma Singh

...Petitioner

vs.

Kulwant Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. K. S. Cheema, Advocate
for the respondent.

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 09.09.2013 (annexure P-5) passed by learned Civil Judge (Jr. Divn.), Dasuya vide which the plaintiff/petitioner has been ordered to pay advalorem Court fee on the value of the suit property.

Suffice to say that plaintiff has challenged the agreement to sell dated 21.06.2011 regarding the land measuring 10 Kanal 6 marlas on the ground that it is result of fraud, coercion and undue influence. Before the lower Court defendant filed an application under Order 7 Rule 11 CPC for rejection of plaint as appropriate Court fee

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has not been affixed. It comes out that in the suit no relief of possession has been sought. The only relief is for setting aside the agreement to sell on the ground of fraud, coercion etc.

In these circumstances, at the very threshold the plaintiff cannot be asked to pay the advalorem Court fee. As such impugned order is set aside. The lower Court is directed to frame specific issue on the point of affixed of Court fee and after allowing the parties to lead evidence, decide the same in accordance with law.

The revision stands allowed.

December 07, 2015
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(KULDIP SINGH)
JUDGE