

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

Civil Revision No.6480 of 2012

Date of decision:29.04.2015

Sanjivani-A Commitment Educational & Charitable Trust

... Petitioner

versus

Sonia Sharma and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Lakhwinder S. Sidhu, Advocate,
for the petitioner.

Mr. Vishal Aggarwal, Advocate,
for respondents 1 and 2.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. There is simply no merit in the revision petition that seeks for ad valorem court fee on the market valuation as stated in the sale deed. The sale deed contains reference to transfer of agricultural land and the Court-fees Act, 1870 itself provides for a method of valuation in respect of land assessed to the land revenue to a State. The provisions in clauses (a) and (b) of Section 7 (v) of the Court-fees Act reads thus:-

“For possession of land, houses and gardens.-(v) In suits for the possession of land, houses and gardens-

according to the value of the subject-matter; and such value shall be deemed to be- where the subject-matter is land, and-

(a) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue; and such revenue is permanently settled-ten times the revenue so payable;

(b) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid; and such revenue is settled, but not permanently-five times the revenue so payable.”

The assessment to court fee shall, therefore, be on the basis of revenue in the manner set out above.

2. The learned counsel for the petitioner refers me to a judgment of a Division Bench of this court in **Tarsem Singh and others Versus Vinod Kumar and others-Civil Revision No.4753 of 2005, decided on 15.07.2011** that has explained the judgment of the Supreme Court in **Suhrid Singh @ Sardool Singh Versus Randhir Singh & others-AIR 2010 SC 2807**, holding that ad valorem court fee will have to be paid on the market value of the property if he is assailing a transaction in which he is a party and possession is sought. There is no difficulty in holding that ad valorem court fee would require to be paid. The issue is assessment of the value of the property on the basis of which the ad valorem court fee has to be

levied. The value cannot be the value as stated in the sale deed in respect of transaction to a land which is assessed to revenue. The Division Bench was not considering the issue of the manner valuation of the property if it is a land nor was it holding that even if the land is dealt with through an instrument, the valuation must be taken not with reference to statutory provisions but shall be taken on the value as revealed in the transaction as sought to be assailed. The Division Bench ruling cannot be understood in the manner in which the learned counsel propounds.

3. The court will only assess the value of the property being a land on the basis of the revenue that is payable to the State and the ad valorem court fee will be collected on such a valuation. If the amount paid is deficient, the court will issue a check-slip demanding the deficit court fee and if the amount is paid in excess, the plaintiff will resort to refund of process in accordance with law.

4. There is no scope for intervention. The civil revision is dismissed but with the above observations.

(K.KANNAN)
JUDGE

29.04.2015
sanjeev