

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6878 of 2013 (O&M)
Date of decision: 30.03.2015

Ikbal Singh and another

... Petitioners

versus

Manpreet Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. G.S. Bal, Senior Advocate with
Mr. A. D. S. Bal and Mr. Vikas Chatrath, Advocates,
for the respondent.

K.Kannan, J.

The petition for rejection of the plaint was made on the ground that the plaintiff was seeking to set aside the sale executed by the father, and ad valorem Court fee has to be paid. The contention was, though the plaintiff was not a party to the document, since he was ultimately seeking to assail the sale executed by the father and seeking for recovery of possession, he has to pay the Court fee under Section 7 (iv)(c) of the Court Fees Act. But the Court held, referring to the fact that property was an agricultural land, the valuation of the property will have to be determined on the 10 times the value of the revenue so payable and referring to the judgment of this Court in Chatter Singh and others Vs. Zile Singh and others 2009 (5) RCR (Civil) 903 (P&H), the Court held that value of the property will not be the valued as stated in the sale deed but will have to be considered on the basis of land revenue in terms of the aforesaid provision as quantified under Section 7(v). Since the land revenue is abolished in the State of Haryana, there is a Government notification issued on 30.01.1974 and provided for

assessment of the property @ Rs.50/- per acre, if it is agricultural. The Court fee was therefore payable on valuation in the manner set forth in the Government notification of State of Haryana. There is no valid objection to reject the plaint in the light of how the assessment is to be made and how the Court has passed the order. The only modification that would be necessary is a direction to conform to the manner of valuation of the property as per Government notification for assessment of its value for purpose of Court fees and jurisdiction.

The civil revision petition is dismissed with above observations.

(K.KANNAN)
JUDGE

30.03.2015
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