

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

SR.NO.217-CR-7130-2013(O&M)
Decided on: 01.05.2015

KALA SINGHPetitioner

VS

RANJEET SINGH & ORSRespondents

CORAM HON'BLE MR. JUSTICE K.KANNAN

Present Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr.R.S.Pandher, Advocate for respondents 1 to 3 and 5 to 9.

K.KANNAN, J

The petitioner is the plaintiff who has filed the suit for declaration that the sale made by the father in favour of the second defendant who is a stranger to the family is null and void. He has not sought, according to him, any relief for recovery and possession but he is only seeking joint possession. He is not, therefore, required to pay ad valorem Court fee.

Possession of a stranger / purchaser cannot be understood as a person with whom the plaintiff who is a non alienating member of the family could claim himself to be in joint possession. A joint possession which the petitioner claims, therefore, cannot be made without a reference to the recovery of possession from the hands of the stranger/purchaser. The direction for payment of Court fee was, therefore, perfectly justified and I dismiss the revision.

01.05.2015

mamta

(K.KANNAN)

JUDGE