

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

**Civil Revision No.7544 of 2013 (O&M)
Date of Decision: September 07, 2015**

Balwan Singh

.... Petitioner

vs.

Sahab Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vivek Khatri, Advocate for the petitioner.

None for the respondents.

- 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 petition is the order dated 19.11.2013 passed by learned Addl. Civil Judge (Sr. Divn.), Hansi, vide which the application of the defendants-respondents under Order VII, Rule 11 CPC was allowed and the plaintiff-petitioner was directed to affix the ad voleram court fee on the plaint.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

In the present case, the plaintiff-petitioner is seeking relief of the possession of the suit land. He also challenged the lease deed dated 29.05.1974. He is not party to the said sale deed.

Learned counsel for the plaintiff-petitioner has argued that the father of the plaintiff-petitioner had leased out the suit land for 99

years when the plaintiff-petitioner was minor. The suit property is ancestral property. Therefore, he is pursuing the remedy.

I am of the view that it is a question of fact that whether the ad voleram court fee is to be paid or the court fee is sufficient.

At the very outset, the plaintiff-petitioner is not required to pay the ad voleram court fee as he was not party to the said lease deed.

As such, the impugned order is set aside. The Trial court is directed to frame specific issue on this aspect and decide the same after recording the evidence of the parties.

The present revision petition is allowed to the abovenoted extent.

September 07, 2015
sarita

(KULDIP SINGH)
JUDGE