

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.7547 of 2013 (O&M)

Date of decision: 14.12.2015

Amardeep Singh

.....Petitioner

versus

Sham Lal and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.J.S.Dhaliwal, Advocate for the petitioner
Mr.Deepak Aggarwal, Advocate for respondent No.2(iii)
Mr.D.K. Singal, Advocate for respondent No.5

- 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)

The learned Civil Judge, Junior Division, Nabha, vide the impugned order dated 11.11.2013 (Annexure P6), held that suit is for declaration and the plaintiff is also seeking consequential relief of possession. He has also challenged the five sale deeds. Therefore, ad valorem Court fee is required to be paid.

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

It comes out that the plaintiff was not party to those five sale deeds. Earlier the relief of possession was not claimed but after the filing of the present revision, plaintiff got the suit amended and also sought relief of possession. The plaintiff has also set up two

Wills. Therefore, in my view it will be a mixed question of law and facts whether in the present case ad valorem Court fee is liable to be paid or whether it is to be paid on the land revenue to which the land is assessed.

It being so, the impugned order is set aside. The lower Court is directed to frame issue on the point of payment of Court fee and decide the same after allowing the parties to lead evidence. If at the time of final disposal, the Court finds that more Court fee is payable, the lower Court before pronouncing judgment on merits, shall ask the plaintiff to make up the deficiency of the Court fee.

14.12.2015

gk

**(Kuldip Singh)
Judge**