

CR No.8210 of 2014

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8210 of 2014 (O&M)
Decided on:-15.1.2015.

Lakhvir Singh.

.....Petitioner.

Versus

Amarjit Kaur and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Present:- Mr. Sherry K. Singla, Advocate
for the petitioner.

Dr. Bharat Bhushan Parsoon, J (Oral)

A suit filed by plaintiff Lakhvir Singh, petitioner herein, interalia, challenging the sale deed dated 12.11.2001 and mutation No.2230 is pending adjudication before the lower court. The petitioner is a party to the said sale deed. By way of civil miscellaneous, copy of the sale deed was also filed by the petitioner which shows sale consideration to be Rs.3,15,000/- and also has a further recital of delivery of possession to the vendee. When the petitioner-plaintiff being party to the sale deed has questioned validity and legality of the same and, in fact, wants to avoid the deed, it amounts to seek cancellation of the deed and the lower court was right in calling upon the plaintiff to pay ad-valorem court fee on the consideration stated in the sale deed in answer to application under Order VII Rule 11 CPC filed by defendant No.1, respondent No.1 herein.

2. Counsel for the petitioner has urged that only averments made

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in the plaint are to be looked at for determining the question of payment of court fee and has cited ***Teja Singh Versus Smt. Amar Kaur and others 2008(1) Civil Court Cases 531 (P&H)***. The lower court has not gone beyond the averments made in the plaint. Counsel for the petitioner has cited yet another judgment of this Court titled ***Surjit Singh Versus Karamjit Kaur 2012(3) RCR (Civil) 364***. It was a case of transfer deed on which no sale consideration had been paid and hence, facts of the case in hand are entirely different from the authority cited. Once, cancellation of the sale deed has been sought by the plaintiff, petitioner herein, who is party to the impugned sale deed, there is nothing wrong with the impugned order as ad-valorem court fee is payable by the petitioner-plaintiff.

3. Keeping in view the totality of facts and circumstances as mentioned earlier, the application under Order VII Rule 11 CPC (Annexure P-3) for paying ad-valorem court fee was rightly allowed by the lower court vide impugned order dated 8.9.2014 (Annexure P-5).

10. Sequelly, no ground to interfere with the impugned order is made out. Affirming the same, this petition, being devoid of any merit, is dismissed.

(Dr. Bharat Bhushan Parsoon)
Judge

January 15, 2015

'Yag Dutt'

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes