

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

CR No.8647 of 2015 (O&M)

Date of Decision: December 19, 2015

Amar Nath

.... Petitioner

vs.

Joga and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Savita Tanwar, Advocate for the petitioner.

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 04.07.2015 passed by learned Civil Judge (Jr. Divn.), Karnal, vide which the application filed by the defendant-petitioner under Order VII, Rule 11 of CPC was allowed and the plaintiff was directed to affix the ad valorem court fee as per the market value of the suit property.

Plaintiff had filed a suit for possession of the *gair mumkin abadi* land. The lower court held that in order to cut short the delay in the proceedings in the suit, a letter was sent to the Tehsildar for determining the market value of the suit property.

I am of the view that since a disputed question of fact and law has been raised, therefore, the lower court should not pre-judge

the case regarding the market value and order the affixation of the advalorem court fees.

Therefore, the impugned order is set aside and the lower court is directed to frame the specific issue on the point and allow the parties to lead evidence and decide the same along with the suit. If the plaintiff is found liable to pay the ad valorem court fee, he be directed to pay the same before pronouncement of the judgment,.

With the abovesaid observations, the present revision petition stands allowed.

December 19, 2015
sarita

(KULDIP SINGH)
JUDGE