

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**RSA No.3831 of 2013 (O&M)
Date of decision: 21.12.2015**

The State of Haryana and others ... Appellants

Vs.

Dr. Vasudev Bansal and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ravi Pratap Singh, AAG, Haryana
for the appellants.

Mr. Samir Rathaur, Advocate, for
Mr. Sumeet Goel, Advocate
for the respondents.

AMIT RAWAL J. (Oral)

Appellants-State are in Regular Second Appeal against the judgment and decree dated 26.07.2013 of the lower Appellate Court, whereby, the judgment passed by trial Court dated 28.04.2012 dismissing the suit for declaration seeking setting aside the orders dated 30.07.2002, 27.12.2000 and 03.10.2008, has been reversed and suit has been decreed.

Mr. Ravi Pratap Singh, learned Assistant Advocate General Haryana, appearing on behalf of the appellants-State submits that in view of the notification dated 26.02.1997, lower Appellate Court did not have the jurisdiction and remedy, if any, was

to file an appeal before the Revenue Authority against the order dated 30.07.2002 and the trial Court had rightly dismissed the suit, whereas, the lower Appellate Court has committed illegality and perversity in not taking into consideration the contents of the aforesaid notification. He further submits that after 08 days of registration of the sale deed, it allegedly transpired that stamp duty was liable to be affixed as ₹13,00,000/- and not ₹9,00,000/- in respect of agricultural land measuring 4 kanals 18 marlas. The lower Appellate Court has fallaciously decreed the suit by holding that no inquiry, in this regard had been made, thus, substantial question of law arises for adjudication of the present appeal.

Mr. Sameer Rathaur, learned counsel appearing on behalf of the respondent-plaintiffs submits that notification cannot take away the jurisdiction of the lower Appellate Court as per Section 9 of the Code of Civil Procedure. Statute cannot oust the jurisdiction of the Civil Court, much less, can impose ban. He further submits that there is no illegality and perversity in the judgment and decree of the lower Appellate Court being the last Court of facts and law has rightly set aside the judgment and decree of the trial Court.

I have heard learned counsel for the parties and appraised the impugned judgments and decrees of the Courts below.

Section 47-A of the Indian Stamp Act, 1899 as applicable to the Haryana prescribes the procedure for evaluation or determination of the value of property/land. Though the limitation to

issue notice to the vendees vis-a-vis for such evaluation of the document is three years but the fact remains that after handing over the sale deed, the Registrar brought to the notice of the Collector for evaluation after 08 days. It is a matter of fact that after purchasing of the agricultural land, the respondent-plaintiffs have raised hospital and the assessing authority assessed the rate by taking the nature of the property as commercial, not with regard to stage of execution and registration of the sale deed.

Keeping in view the aforementioned reasons, I do not intend to differ with the findings rendered by the lower Appellate Court, based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 21, 2015
savita