

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

CR-1366 of 2016 (O&M)

Date of decision: 04.05.2016

Iqbal Singh

...Petitioner

Versus

Labh Singh

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. U.K. Kanwar, Advocate for the petitioner.

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**Jitendra Chauhan, J. (Oral)**

This petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 20.07.2015 (Annexure P-5), passed by the learned Civil Judge (Sr. Divn.), Fazilka, whereby the plaint under Order 7 Rule 11 (c) of the Code of Civil Procedure was rejected on the application moved by the respondent.

It is contended that learned trial Court has wrongly rejected the plaint of the petitioner without considering the fact that petitioner has filed a suit for declaration and he has not claimed possession, therefore, the ad valorem Court fee on the consideration of sale deed is not required to be paid. The trial Court has committed grave error in allowing the application of

the respondent, vide order dated 07.05.2015 and rejected the plaint of the petitioner. The petitioner has already affixed the requisite Court fee by calculating the revenue assessed in the jamabandi.

Heard.

Vide order dated 07.05.2015 passed by the trial Court, the petitioner was directed to pay the ad-valorem Court fee on the consideration amount of sale deed dated 18.12.2002 on or before 30.05.2015. Thereafter, the petitioner availed as many as three opportunities to affix the ad valorem Court fee but he failed to do so. The petitioner has failed to comply with order dated 07.05.2015, therefore, there is no scope to set aside the impugned order dated 20.07.2015. The petitioner is liable to pay ad valorem Court fee on the consideration of sale deed sought to be cancelled, even though he has not claimed possession. Learned trial Court has rightly placed reliance on **Amar Chand and others** Vs. **Raj Gupta and others**, 2014 (1) RCR (Civil) 585 (P&H). No fault can be found with the approach of learned trial Court.

Dismissed.

04.05.2016

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**(JITENDRA CHAUHAN)**  
**JUDGE**