

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1856 of 2016
Date of decision : March 14, 2016

Deepak Jain

..... Petitioner

Versus

Prem Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Alok Mittal, Advocate
for the petitioner.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 6.1.2016 whereby the application of the respondents-defendants under Order 7 Rule 11 CPC calling upon the petitioner to pay the court fee has been allowed.

Learned counsel appearing on behalf of the petitioner-plaintiff submits that as per the clause in the sale deed on account of non-payment of balance sale consideration, the sale deed was sought to be declared as null and void. The suit had been filed challenging the sale deeds mentioned. It does not amount to cancellation, therefore, the impugned order calling upon the petitioner-plaintiff to pay court fee is not sustainable.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the suit is for seeking declaration to the allegedly executed sale deed by the father in favour of respondents-defendants, even though as per the averments in the suit, the possession is with the plaintiff.

Be that as it may, without adverting to the averments qua possession, I am of the view that the petitioner-plaintiff is required to pay the court fee as per the sale consideration mentioned in the sale deed.

Keeping in view the aforementioned facts, I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

March 14, 2016
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