

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1902 of 2016
Date of decision : March 15, 2016

Smt. Santosh Devi

..... Petitioner

Versus

Gulfam

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. N. D. Achint, 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).

Learned counsel appearing on behalf of the petitioner submits that the petitioner is aggrieved of the dismissal of the application filed under Order 7 Rule 11 CPC calling upon the respondent-plaintiff to pay ad valorem court fee as challenge is to the sale deed dated 13.7.2012 executed by respondent-plaintiff.

He further submits that once the respondent-plaintiff is a party to the sale deed, he is required to pay the court fee viz-a-viz valuable consideration mentioned in the sale deed, though he is alleged to be in possession, which is disputed. Thus, the order under challenge is illegal and perverse and not sustainable in the eyes of law.

I have heard learned counsel for the petitioner and

appraised the paper book and of the view that though, the application, as per the provisions of Order 7 Rule 11 CPC can be moved at any stage but the court has kept the question open to be decided at final stage, in essence, has not taken away the valuable right of the defendant viz-a-viz court fee. Since the suit is at the stage of defendant's evidence, no pre judice would be caused if the same is decided at the final stage.

In view of what has been observed above, 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 same is affirmed.

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

(AMIT RAWAL)
JUDGE

March 15, 2016
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