

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

**CR No.2018 of 2016
Date of decision:17.03.2016**

Smt. Suman Bedi and others ... Petitioners

Vs.

State of Haryana and others ... Respondent

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. Ish Puneet Singh, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioner-plaintiffs are aggrieved of the impugned order dated 17.02.2016 (Annexure P-1), whereby, an application filed under Order 7 Rule 11 of the Code of Civil Procedure, at the instance of the respondent-defendants, has been allowed.

Mr. Ish Puneet Singh, learned counsel appearing on behalf of the petitioner-plaintiffs submits that sale deed has been executed on the basis of 'General Power of Attorney' given to respondent No.5, agent, who had further sold it. It is the said sale deed which has been challenged seeking declaration, therefore, plaintiffs cannot be called upon to pay ad valorem Court fee, vis-a-vis price mentioned in the sale deed as it is an act of attorney/agent,

who, was not authorized to do so.

I have heard learned counsel for the petitioner-plaintiffs and appraised the paper book and in view of the judgment rendered by the Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others 2010(2) RCR (Civil) 564** and as well as, Full Bench judgment of this Court in **Niranjan Kaur vs. Nirbigan Kaur 1982 PLR 127**, in case, the petitioner-plaintiff seeks cancellation of sale deed, even if sale deed has been executed by attorney, which has been acted upon, is liable to pay the Court fee, on the sale consideration mentioned in the sale deed and therefore, rightly so the application has been allowed. The order under challenge is thus, justified and does not call for interference. At this stage, learned counsel for the petitioners submits that one month time granted to the petitioners to deposit the Court fee expires today. Accordingly, another one month time is granted to the petitioners to pay the Court fee.

With the aforementioned observations, I do not intend to differ with the findings rendered in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

With the aforementioned liberty, the revision petition is disposed of.

(AMIT RAWAL)
JUDGE

March 17, 2016
savita