

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

CR No.20 of 2014

Decided on: 09.08.2016

Sukhpal Singh and another

....Petitioners

Versus

Gurdeep Singh and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Gurcharan Dass, Advocate
for the petitioners.

Mr. T.P.S. Makkar, Advocate
for respondent No.1.

Mr. Karamjit Verma, Advocate
for respondent No.2.

REKHA MITTAL, J.

The present petition has been directed against order dated 08.11.2013 passed by the Civil Judge (Jr. Division), Ludhiana whereby application filed under Order 7 Rule 11 of the Code of Civil Procedure (in short 'CPC') for rejection of plaint for want of payment of requisite Court fee has been disposed of with a direction that the petitioners are liable to pay *ad valorem* Court fee as provided under Section 7(iv)(c) of the Court Fees Act (in short 'the Act').

It is an undisputed position of the case that the petitioners have directed challenge against two sale deeds detailed in sub-paras (i) and (ii) of the headnote of the impugned order. The learned trial Court by relying upon judgment of Hon'ble Supreme Court of India "***Suhrid Singh @ Sardool Singh vs Randhir Singh and others***", 2010(2) RCR (Civil) 564, has held that as the plaintiffs are non-executants seeking

declaration that the sale deed are invalid and further seeking consequential relief of possession, they are liable to pay *ad valorem* Court fee as provided under Section 7(iv)(c) of the Act. When the facts and circumstances of the present case are examined in the light of enunciation of law laid down in ***Suhrid Singh @ Sardool Singh's case (supra)***, I do not find any error much less illegality in the impugned order directing the petitioners to pay Court fee as provided under Section 7(iv)(c) of the Act, to be computed according to Section 7(v) of the Act.

In view of the above, the petition stands disposed of.

09.08.2016

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No