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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2610-2016 [O&M]

Date of Decision : April 08th, 2016

Jeeto @ Ajit Kaur

.... Petitioner

Versus

Harjinder Singh

... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition is challenge to the order dated 26.11.2015, passed by learned Additional Civil Judge (Senior Division), Tarn Taran, whereby application filed under Order 7 Rule 11 CPC for rejection of plaint was allowed and plaintiff was directed to pay the *ad valorem* court fee.

2. Learned counsel for the petitioner submitted that the order dated 26.11.2015 is liable to be set aside because petitioner had not claimed the possession. The petitioner has filed the suit for declaration and had not claimed possession and as such the *ad valorem* Court fee was not required to be paid and the order be liable to is set aside.

3. Having considered the submissions made by learned counsel for the petitioner, this Court is of the considered view that the Court below has rightly decided the application holding that since the main suit filed by

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plaintiff is for declaration to the effect sale deed (Wasika No.332, Bahi No.1, Zild No.148) be declared as null and void, he is certainly liable to pay the court fee on *ad valorem* basis. Such a view was taken by the Hon'ble Supreme Court in case **Shamsher Singh Vs. Rajinder Prashad and Others 1973 PLJ 686** and similar view was taken by this Court in case **Chand Kaur Vs. Jagsir Singh and Another 2011(3) PLR 812**. The trial Court has rightly come to the conclusion that plaintiff is required to pay the requisite court fee on *ad valorem* basis as per sale consideration in the sale deed referred to in the suit.

4. In view of above, present petition is without any merit and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

April 08th, 2016
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