

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

CR No.3492 of 2015
Date of decision : 25.10.2016

Joginder Singh

...Petitioner

Versus

Naveen Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

Mr. Lokesh Sinhal, Advocate for respondent Nos.1 and 2.

AMIT RAWAL, J. (Oral)

The present petition is at the instance of petitioner-plaintiff challenging the order dated 01.04.2015 (Annexure P-1), where he has been called upon to pay the ad valorem court fees.

Mr. Manoj Kaushik, learned counsel appearing on behalf of petitioner-plaintiff submits that suit is for injunction, declaration and consequential relief of possession only, therefore, he is not required to pay the court fees as per the amendment caused in the Haryana Court fees Act and thus order under challenge is not sustainable in the eyes of law.

Mr. Lokesh Sinhal, learned counsel appearing on behalf of respondents-defendants submits that challenge in the plaint is with regard to the declaration and consequential relief of possession much being party to

the sale deed, therefore, payment of Court fees is required to be paid. In support of his contention, he relies upon judgment rendered by Hon'ble Supreme Court in *Suhrid Singh @ Sardool Singh Vs. Randhir Singh and others*, 2010 AIR (SC) 2807.

I have heard learned counsel for parties and appraised the paper book and of the view that there is no force and merit in the submission of Mr. Manoj Kaushik, for, once person is a party to the sale deed, he has to pay the Court fees as per the sale consideration mentioned in the sale deed. As regards the possession also, matter was debated before the Division Bench of this Court in *Minder and others Vs. State of Haryana and others*, 2014(3) RCR (Civil) 563 by relying upon Suhrid's case (Supra), therefore, petitioner-plaintiff is required to pay the ad-valorem courts fees. Order under challenge is perfect, legal and justified.

No ground for interference is made out.

Accordingly, present revision petition is dismissed.

25.10.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No