

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

**CR No.444 of 2015(O&M)
Decided on.24.08.2016.**

Kapil Bajaj

.....Petitioner

Versus

Pranav Shefali Trust and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.R.S.Mamli, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred by the petitioner-defendant no.3 against the order dated 09.12.2014 passed by the learned Civil Judge (Jr. Division), Yamuna Nagar at Jagadhri, vide which the application moved by him under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (for short C.P.C.) for rejection of the plaint on the ground that plaintiff has not affixed the proper Court fees as per the market value of the suit property, has been dismissed.

2. Learned counsel for the petitioner contended that the plaintiffs-respondents were required to affix the Court fees as per the value of the suit property mentioned in the sale deed as he has sought the relief of declaration with consequential relief of possession. But, they had only affixed the Court fees of Rs. 550/-, which was not the proper Court fees.

3. I have duly considered the aforesaid contentions.

4. This fact is not disputed that the plaintiffs are not the executant of the sale deeds challenged by them in the suit. No doubt, they have sought the consequential relief of possession. But, for that relief, plaintiffs-respondents are only required to pay the Court fees as per the provisions of Section 7 (v) of the Court Fees Act (for short 'Act') as amended by the State of Haryana vide Act No. 22 of 1974 and in case of Agricultural land, the market value shall be as under:-

“(a) where the subject matter is land other than land situated within municipal limits or Abadi Deh whether under cultivation or not according to the market value thereof which shall be deemed to be,—

(i) in the case of land which is irrigated by perennial canal, sixty rupees per acre;

(ii) in the case of land which is irrigated by non-perennial canal or by well, fifty rupees per acre; and

(iii) in the case of land which is Barani, Sailab, Bhud, Thur, Sem, Banjar or of like nature, thirty rupees per.

In the instant case, the plaintiffs have already affixed the Court fees of Rs. 550/-. Learned counsel for the petitioner could not point out any deficiency in the Court fees as per the value of the suit property mentioned in Section 7 (v) of the Act.

5. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order passed by the learned trial Court, which does not call for any interference by this Court.

6. Thus, the present revision petition having no merits, is hereby dismissed.

(DARSHAN SINGH)
JUDGE

24.08.2016

S.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No