

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

-.-

CR 4909 of 2013

Date of decision: 15.07.2016

Harmesh Singh

..... Petitioner

Versus

Jagdish Ram and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Abhishek Goyal, Advocate
for the petitioner

Mr. Jagmeet Singh, Advocate
for the respondents

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

Rekha Mittal, J. (Oral)

The present petition has been directed against order dated 18.04.2013 passed by the Civil Judge (Junior Division) Sunam whereby the petitioner/plaintiff has been directed to pay ad valorem Court fee.

Counsel for the petitioner would contend that as the petitioner is not the executant of sale deed No. 1408 dated 19.11.2010 which was executed by Shri Jagdish Ram, his father and challenge to said sale has been made on the plea that the suit property is ancestral coparcenary joint Hindu family property in which the petitioner has a right by way of birth without seeking any claim for possession, the petitioner is not liable to pay *ad valorem* Court fee as has been held by the trial Court.

The controversy raised in the present petition is squarely covered by judgment of this Court in ***Hasti Devi v. Rajinder and others*** (Civil Revision No. 4690 of 2014, decided on 08.07.2016).

Resultantly, the petition is allowed and the order dated 18.04.2013 passed by the Civil Judge (Junior Division) Sunam is set aside.

(Rekha Mittal)
Judge

15.07.2016
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