

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 4746 of 2014
Date of decision : May 11, 2016

Karam Singh

..... Petitioner

Versus

Pargat Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Nakul Sharma, Advocate
for the appellant.

Mr. Vaibhav Sehgal, Advocate
for the respondents.

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

Amit Rawal, J (oral).

The petitioner-plaintiff is aggrieved of the impugned order whereby petitioner has been called upon to pay the ad valorem court fee on the sale deeds dated 21.3.2011 and 22.3.2011.

Learned counsel for the petitioner relies upon the judgment rendered by Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh Vs. Randhir Singh and others 2010 AIR (SC) 2807** and the judgment rendered by the Full Bench in **Niranjan Kaur Vs.**

Nirbigan Kaur 1982 PLR 127.

He further submits that in the suit four sale deeds have been challenged, for, the court fee as required has already been paid and since he is not executant of the other two sale deeds dated 21.3.2011 and 22.3.2011, therefore the ad valorem court fee as per provisions of Section 7 (v) of the Court Fee Act, 1870 is not liable to be paid.

Learned counsel for the respondents submits that the application was filed under Order 7 Rule 11 CPC by the defendant and during the pendency of the application, the petitioner suffered a statement that he has no objection if the application filed by respondent Nos. 3 to 6 is allowed. On the basis of said statement, the application was allowed.

He further submits that once the statement was suffered by the plaintiff himself not the counsel, the plea in the revision petition qua ignorance of law would not come to his rescue, thus urges this court for affirming the impugned order.

I have heard learned counsel for the parties, appraised the paper book and of the view that the principles culled out by Hon'ble Surpeme Court in **Suhrid Singh @ Sardool Singh's case (supra)** are squarely applicable to the facts and circumstances of the case, for, in the aforementioned sale deeds the plaintiff is not a signatory/executant thus, is not liable to pay the court fee. There is a categoric plea qua possession, therefore the court fee is not required to be paid for the purpose of adjudication of the *lis*. For the purpose of court fee, the averments made in the plaint are to be seen.

In view of the aforementioned facts, the impugned order is set aside. The revision petition is allowed.

(AMIT RAWAL)
JUDGE

May 11 , 2016
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