

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5149 of 2016 (O&M)
Date of decision:11.08.2016

Savita @ Babli and others

... Petitioners

Vs.

Reena and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Abhishek Yadav, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioner-defendants are aggrieved of the dismissal of the application filed under Order 7 Rule 11 of Code of Civil Procedure (hereinafter referred to as “CPC”) calling upon the plaintiffs to pay the Court fees vis-a-vis relief challenging the release deed bearing Vasika No.659 dated 28.05.2012 on the premise that market value on the aforementioned property is liable to be paid.

I have gone through the prayer and the contents of the application.

Concededly, the aforementioned transfer has been made by proforma defendant No.1 in favour of defendants No.2 to 6. The respondent-plaintiff is not signatory of the release deed. In view of the ratio decidendi culled out by the Hon'ble Supreme Court in **Suhrid Singh @ Sardool vs. Randhir Singh and others 2010(2) RCR (Civil) 564**, wherein, it has been held that non-executant of the registered instruments and sale

deed is not bound to pay the ad valorem Court fees being not party at that time. If a person is not signatory to the release deed, he is not liable to pay the Court fee, in view of the provisions of Section 7(V) of Court Fees Act, 1870.

In view of the aforementioned observations, the impugned order declining the application is perfectly legal and justified and cannot be said to have been passed without jurisdiction. No ground is made out for interference in the impugned order.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 11, 2016
savita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No