

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

110

Civil Revision No. 5244 of 2016

Date of Decision: September 15, 2016

HARJIT KAUR AND ANR.

-PETITIONERS

VS

MANGAL SINGH AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.V.K.Sandhir, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Petitioners have assailed order dated 17.05.2016 vide which they have been asked to affix ad-valorem Court fee on the consideration stated in the sale deed.

Learned counsel for the petitioners contends that in fact certain area which was not agreed between the parties was made subject matter of the sale deed and that is why, the plaintiff was not required to pay the ad-valorem Court fee qua undesired area. Fact remains that the plaintiffs were the executants of the sale deed and now they seek cancellation of the same.

In view of law laid down by **Suhrid Singh @ Sardool Singh vs Randhir Singh & Ors., 2010 AIR (SC) 2807**, the executant of the sale deed if wants to get the same cancelled, then

he has to pay ad-valorem Court fee on the consideration of the sale deed.

Apparently, plaintiffs were not the non-executant in possession of the land nor they have staked their possession being non-executant of the sale deed. The case falls under first category as laid down in **Suhrid Singh @ Sardool Singh's case (supra).**

In view of aforesaid, there is no illegality or jurisdictional error committed by the trial Court in passing order dated 17.05.2016.

Resultantly, this revision is found to be totally bereft of merits and the same is accordingly dismissed.

**(RAJ MOHAN SINGH)
JUDGE**

September 15, 2016

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No