

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

-.-

CR 5576 of 2015 (O&M)
Date of decision: 09.11.2016

Lavish

..... Petitioner

Versus

Lal Chand and others

.....Respondent(s)

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Seema Arora, Advocate for
Mr. C M Munjal, Advocate
for the petitioner

Mr. Sanjiv Gupta, Advocate
for respondent No. 2

-.-

Rekha Mittal, J. (Oral)

The present petition directs challenge against order dated 06.08.2015 (Annexure P3) passed by the Civil Judge (Junior Division), Sirsa whereby the petitioner has been directed to pay ad valorem Court fee on the relief sought, in view of the provisions of Section 7(iv) of the Court Fee Act, 1870 (in short, 'the Act').

Counsel for the petitioner has submitted that the suit land is agricultural land, therefore, the petitioner shall be liable to pay Court fee in view of provisions of Section 7 (v) of the Act.

A perusal of the order passed by the trial Court does not make it clear as to under what clause of Section 7 (v) of the Act, Court fee would be payable by the petitioner. Under the circumstances, the petition stands

disposed of with liberty to the petitioner to file an appropriate application for payment of Court fee in terms of the order impugned and the question of Court fee payable shall be decided by the trial Court. Any party aggrieved by the order of the trial Court would be at liberty to take recourse to appropriate proceedings, in accordance with law.

(Rekha Mittal)
Judge

09.11.2016
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No