

Civil Revision No.5558 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.5558 of 2016

Date of Decision: 22.10.2016

Sandeep Singh

---Petitioner

versus

Madhu Ran and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Mohit Garg, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition has been directed against order dated 10.8.2016 (Annexure P-4) passed by the Civil Judge (Junior Division), Naraingarh, whereby the petitioner/plaintiff has been directed to pay ad valorem court fee on the sale deed dated 18.7.2008, sought to be set aside by the petitioner besides a decree for possession of the suit land as well as

Rs. 20,000/- per month for illegal use and occupation of the suit land.

Counsel for the petitioner has submitted that as the petitioner was minor at the time of execution of the alleged sale deed dated 18.7.2008 and the land subject matter of the sale deed is an agricultural land, the petitioner is not liable to pay ad valorem court fee as directed by the trial court and he is liable to pay court fee under Section 7(v) of the Court Fees Act by paying 10 times of the land revenue assessed on the land in question.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

A plain and careful reading of the impugned order would make it evident that defendant No. 1 Madhu Rana filed an application under Order 7 Rule 11 of the Code of Civil Procedure (in short "CPC") for rejection of plaint on the ground that the petitioner/plaintiff has not affixed appropriate court fee as he has challenged sale deed dated 18.7.2008 executed by him, therefore, is required to pay ad valorem court fee. The trial court by relying upon judgment of Hon'ble the Supreme Court of India **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, 2010(2) Civil Court Cases 510** has allowed the application and the petitioner was directed to pay/affix

ad valorem court fee within a period of 15 days from the date of order. As the petitioner has challenged sale deed dated 18.7.2008, admittedly, executed by him he is liable to pay ad valorem court fee on the sale consideration of the sale deed in the light of judgment in **Suhrid Singh @ Sardool Singh's case (supra)**. In these circumstances, contention raised by counsel for the petitioner that he is liable to pay court fee under Section 7 (v) of the Court fee Act qua the sale deed is not tenable.

In view of the above, I do not find any error much less illegality in the impugned order as would call for intervention.

Dismissed in limine.

(Rekha Mittal)
Judge

22.10.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No