

**In the High Court of Punjab and Haryana
at Chandigarh**

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Civil Revision No. 6126 of 2015 (O&M)
Date of Decision:17.11.2016

Tikka Raja Shatrujit Singh
versus
Union of India and others

---Petitioner

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Naresh Parbhakar, Advocate
for the petitioner

Mr. Puneet Gupta, Advocate
for respondents No. 1 and 6

None for respondents No. 2 and 5

Mr. B S Sra, Additional A G, Punjab
for respondents No. 3 and 4

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Rekha Mittal, J. (Oral)

The present petition directs challenge against order dated 01.07.2015 passed by the Additional Civil Judge (Senior Division) Kapurthala (Annexure P3) whereby directions have been issued by the trial Court to pay ad valorem Court fee on the suit property measuring 1961 kanals -18 marlas and palace built on it along with out houses, lawns, street, roads, wells, tubewells, structures, all fittings and fixtures, furniture, decoration pieces, articles both movable and immovable.

The sole submission made by counsel for the petitioner is that the trial Court decided the application against the petitioner solely on the ground that once it is seen that the plaintiff was not even born when the

property was alienated and he was born more than two decades after the property was alienated, the benefit of the rulings relied upon by him cannot be given as they are not pari materia to the facts of the case in hand. It is argued that the trial Court has failed to take into consideration that besides Maharaj Kumar Suryajit Singh, two defendants namely Maharani Gita Devi and Tikka Raja Shatrujit Singh, earlier defendants No. 10 and 11 were transposed as plaintiffs vide order dated 14.01.2015 passed by the trial Court and thereafter amended title was filed. It is further submitted that as the trial Court has not taken into consideration factum of two more plaintiffs in the case, the impugned order may be set aside and the matter may be remitted to the trial Court for decision afresh.

Counsel for respondent No. 1 and 6 and respondent No. 3 and 4 have nothing to submit in the matter. However, there is no representation on behalf of respondents No. 2 and 5 who were earlier being represented by Mr. Abhinav Gupta, Advocate.

I have heard counsel for the parties and perused the paper book particularly the order impugned and certified copy of order dated 14.01.2015 made available by counsel for the petitioner during course of hearing.

The submissions made by counsel for the petitioner are clearly borne out from the operating part of the impugned order recorded in the concluding lines of para 3 thereof. As two of the defendants namely defendants No. 10 and 11 were transposed as plaintiffs along with the petitioner vide order dated 14.01.2015, the trial Court was required to decide the application by keeping in view status of three plaintiffs. That

being so, the order impugned cannot be allowed to sustain and is accordingly set aside.

For the foregoing reasons, the petition is partly allowed, the order impugned is set aside and the matter is remitted to the trial Court for decision of the application under Order 7 Rule 11 of the Code of Civil Procedure afresh, in accordance with law. However, nothing stated in this order shall be construed as an expression of opinion on merits of the application.

(Rekha Mittal)
Judge

17.11.2016
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No