

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6274 of 2016 (O&M)

Date of decision:22.09.2016

Gurmeet Singh (deceased) through LRs

... Petitioner

Vs.

Rajinder Kumar Gupta and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Bhupinder Ghai, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff is aggrieved of the impugned order dated 03.08.2016 (Annexure P-3), whereby, the application filed by respondent No.2 under Order 7 Rule 11 of Code of Civil Procedure (hereinafter referred to as "CPC") calling upon the petitioner to pay the ad valorem Court fees, has been allowed.

Mr. Bhupinder Ghai, learned counsel appearing on behalf of the petitioner-plaintiff submits that declaration was sought on the ground that the agreement to sell dated 12.10.2010 in respect of land measuring 28 kanals ½ marla of land situated in revenue estate of village Bansepur, Tehsil Kharar, District Mohali was not binding upon him being forged and fabricated and therefore, the Court fees is not liable to be paid. No doubt, the respondent-defendants filed a suit for specific performance which is pending in the before the Court below. During the pendency of the suit, the

petitioner-plaintiff has died on 12.06.2015. He further submits that an application bearing No.19300-CII-2016 under Order 22 Rule 3 CPC for impleading the legal representatives of plaintiff - Gurmeet Singh, has also been filed.

For the reasons stated in the aforesaid application, duly supported by an affidavit, legal representative of Gurmeet Singh, as mentioned in the application, is ordered to be brought on record for adjudication of the lis only.

I am of the view that in the law laid down by the Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh vs. Randhir Singh & others 2010 (2) R.C.R. (Civil) 564 S.C**, a person who is signatory to the sale deed, is liable to pay the ad valorem Court fees.

Accordingly, the revision petition stands dismissed.

The petitioner-plaintiff is at liberty to move an application before the Court below for clubbing of both civil suits bearing No.95 of 2011 titled as Gurmeet Singh vs. Rajinder Kumar Gupta and another and 390 of 2016 titled as M/s DVM Realtors vs. Gurmeet Singh, in order to avoid conflict of the decision.

(AMIT RAWAL)
JUDGE

September 22, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No