

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

-:-

Date of Decision: January 18, 2016.

1. C.R No. 6075 of 2014

Satvinder Singh & Anr.

..... Petitioners

Versus

Saroj Bala & Ors.

.....Respondents

2. C.R No. 2159 of 2014

Satish Kumar

..... Petitioner

Versus

Jagtar Singh & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr. Ravinder Singh, Advocate, for
Mr. Ramesh Kumar, Advocate, for the petitioners.

Mr. Prateek Mahajan, Advocate, for respondent No.1.

Mr. Balkar Singh, Advocate, for respondent Nos. 2 and 3.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.KANNAN J

In both the matters, the same fact arises with regard to the issue of Court fee and as such these are disposed of by a common order as under.

Suit for recovery of compensation has been instituted by notional valuation and fees of Rs.5800/- is paid. The defendants plea is that the plot/land on which a construction has been made on the plot of land and even if a vacant possession is claimed, the Court fee must be paid on the

value of the building.

The suit for recovery would require valuation of the property in a manner required to be done under Section 7(V) of the Court Fees Act. A concession for assessing the value, on the basis of land revenue payable, will be applicable only in case of agricultural lands, or the lands on which land revenue is assessed. If it is treated as house site and house is also constructed, the plaintiff who sues for recovery of possession cannot be compelled to value the suit for market value of the building, but he has to value the suit as per the value of site upon which the building is constructed. The plaintiff shall be ordered to pay the value of the site in the manner the value is determined by an officer of Court within a period of 30 days from the date of receipt of copy of this order. The trial Court shall appoint the bailiff or secure any information, regarding the value of site and direct the plaintiff to pay court fee within two weeks after such a determination is made. The entire exercise would be done within a period of three months. If the plaintiffs fail to pay the Court fee as directed, the plaint shall be ordered to be rejected in the manner as contemplated under Order 7 Rule 3 of the Code Civil Procedure.

With the above observations, the appeals are disposed of.

January 18, 2016
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(K.KANNAN)
JUDGE