

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

CR No.6418 of 2016 (O&M)

Date of decision : 26.09.2016

Omwati and others

...Petitioners

Versus

Narinder Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Viney Saini, Advocate and
Mr. Ranjit Saini, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioners-defendants are aggrieved of the dismissal of the application moved under Order 7 Rule 11 of Code of Civil Procedure on the premise that suit was wanting for court fees.

Mr. Viney Saini, Advocate and Mr. Ranjit Saini, learned counsel appearing on behalf of petitioners-defendants submits that for declaration, the respondent(s)-plaintiff(s) were required to pay the court fees as market value is of crores of rupees, though no doubt controversy is between the Court and the plaintiff but the fact remains that averments made in the plaint has to be seen.

I have heard learned counsel for the petitioners-defendants and appraised the paper book.

As per the averments, respondent(s)-plaintiff(s) has only sought declaration vis-a-vis suit property, no possession has been sought. The Court fees is to be paid prima facie as per the ratio decidendi culled out by Hon'ble Supreme Court in *Suhrid @ Sardool Singh Vs. Randhir Singh and others*, AIR 2010 SC 2807. In case plaintiff succeed in seeking amendment of the plaint or any other relief which Court intends to grant, it would always be subject to the payment of Court fees but not in the manner and mode as has been adopted.

No ground for interference is made out.

Accordingly, present revision petition is dismissed.

26.09.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No