

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

Civil Revision No.6473 of 2015

Date of Decision: May 04, 2016

Varun Kumar & another

...Petitioners

Versus

Sham Lal & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.A.S.Sandhu, Advocate for
Mr.Aminder Singh, Advocate,
for the petitioners.

Mr.Tribhawan Singla, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiffs are aggrieved of the order under challenge, whereby they have been called upon to pay ad valorem court fees on ₹1,73,50,000/- seeking specific performance of the agreement to sell by entertaining the application filed by the respondent-defendants under Order 7 Rule 11 CPC.

It is a matter of record that total sale consideration of the property agreed to be sold has been mentioned as ₹1,73,50,000/-, but the court fees has been paid only on ₹73,50,000/-. The petitioner-plaintiffs cannot put a condition of affixing the court fees at the relevant point of time, i.e., at the stage when ultimately the Courts arrives at a finding regarding affixation of court fees. Once the contents of the agreement to sell

envisage particular amount, the court fees is liable to be paid on an amount of ₹1,73,50,000/-.

Keeping in view the aforementioned facts and circumstances, there is no illegality and perversity in the impugned order. The same cannot be said to have been passed without jurisdiction.

The revision petition stands dismissed.

May 04, 2016
ramesh

(AMIT RAWAL)
JUDGE