

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.6459 of 2016
Date of decision: October 06, 2016

Devinder Kaur ...Petitioner

Versus

Sher Singh & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Harpreet Singh Jakhal, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 20.8.2016, passed by Civil Judge (Jr. Division), Jalalabad, whereby application u/o 7 rule 11 CPC filed by respondents No.2 & 3 has been allowed and plaintiffs have been directed to pay *ad valorem* court fee alongwith the plaint.

Learned counsel for the petitioner has assailed the order. According to him, petitioner alongwith proforma challenged the transfer deed dated 19.04.2012, allegedly executed by Mohinder Kaur in favour of respondents No.1 to 4 and have prayed for joint possession, therefore, no *ad valorem* court fees is required to be paid.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, plaintiff/petitioner alongwith performa respondent No.6 filed a suit seeking declaration of title being natural heirs of

executant of the transfer deed dated 19.4.2012 in favour of defendants No.1 to 4 with consequential relief of joint possession. Notice of the suit was issued to the respondents. They appeared and filed application U/O 7 Rule 11 CPC for rejection of the plaint as plaintiffs did not pay *ad valorem* court fee alongwith the plaint. The trial court allowed the application and directed plaintiffs to pay *ad valorem* court fee alongwith the plaint. It observed that since plaintiffs are seeking the possession as consequential relief against defendants No.1 to 4, therefore, they are liable to pay the *ad valorem* court fee on the suit. I find no infirmity with the order passed. Thus, provision of Order 7 Rule 11 CPC can be invoked in the circumstances. No interference in revisional jurisdiction is called for.

Dismissed.

(RAJAN GUPTA)
JUDGE

October 06, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No