

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.6501 of 2016 (O&M)

Date of Decision.28.09.2016

Smt. Dimpal and another

.....Petitioners

Vs.

Ranbir and others

.....Respondents

Present: Mr. Sanjay Mittal, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

-. -

AMIT RAWAL J. (ORAL)

The petitioners-defendants are aggrieved of the impugned order whereby the application under Order 7 Rule 11 CPC filed in the suit seeking declaration of ownership and permanent injunction, has been dismissed.

Mr. Sanjay Mittal, learned counsel appearing for the petitioners-defendants submits that the suit aforementioned tantamounts to challenging the sale deed and therefore, the court fee on the value of the suit is required to be deposited. In this backdrop of the matter, the application was filed but the same has erroneously been dismissed.

I have heard learned counsel for the petitioners, appraised the paper book and of the view that the entire plaint (Annexure P-1), which reads as under, does not envisage the challenging of the sale deed:-

“13(a) That plaintiffs prays a decree for declaration to the effect that the plaintiffs and proforma defendants are owner in possession of the property detailed in para No.2(a) of the plaint and accordingly entitled to get their name recorded in

the revenue record by deleting the wrong entries be passed in favour of plaintiffs and proforma defendants and against the defendants with cost of the suit.

(b) That the decree for permanent injunction restraining the defendants from interfering in the peaceful possession of the plaintiffs and proforma defendants and alienating, encumbering and creating third party charge of any kind over the property detailed in para No.2(a) of the plaint forever be passed in favour of plaintiffs and proforma defendants and against the defendants.

(c) Any othe relief which Hon'ble court deems fit may also be passed.

In my view, the court fee viz-a-viz the value mentioned in the sale deed was not required to be paid, rightly so, the application has been dismissed. The order under challenge cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

September 28, 2016

Pankaj*

Whether reasoned/speaking Yes/No

Whether reportable Yes/No