

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

**C.R. No.6906 of 2016
Date of Decision.18.10.2016**

Jasvir Singh

.....Petitioner

Vs

Gurpreet Singh

.....Respondent

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Mr. Ashish Gupta, learned counsel appearing for the petitioner-plaintiff submits that the application under Order 7 Rule 11 CPC moved at the instance of the defendant in suit for declaration challenging the transfer deed dated 12.04.2012 was only a family settlement without stamp duty and therefore, he cannot be called upon to pay the Court fee on the market value of the suit property, though there is application seeking amendment of the plaint for seeking possession, which is stated to be pending. The issue of court fee cannot be put at rest at this stage. It should be kept open and he undertakes to pay the court fee subject to parties leading evidence.

I am in agreement with the aforementioned submission of Mr. Gupta. It is yet to be determined as per Section 7(v) of the Court Fee Act whether the petitioner-plaintiff will be liable to pay the court fee ten times of the land revenue or on market value. He undertakes to pay the court fee at the time when the issue of payment of court fee will be decided which would also include the element of possession which has been sought to be incorporated by way of amendment.

In view of the aforementioned, the order under challenge is modified and the revision petition is disposed of with the above observations.

(AMIT RAWAL)
JUDGE

October 18, 2016
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No