

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

CR No.6980 of 2016 (O&M)

Date of decision:30.11.2016

Mehar Singh

....Petitioner

VERSUS

Surinder Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Namit Gautam, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 01.09.2016 (Annexure P-4) passed by the Civil Judge (Junior Division), Ludhiana whereby application filed by the petitioner/defendant No.1 under Order 7 Rule 11 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'CPC') for rejection of plaint has been dismissed.

The short question that was raised by the petitioner/defendant No.1 in the application seeking rejection of plaint was that as the respondent/plaintiff has challenged the gift deeds executed by defendant No.1 (petitioner herein) in favour of defendants No.2 and 3, the respondent/plaintiff is liable to pay advoleram Court fee on the value of property, subject matter of the gift deeds.

The contention raised by the petitioner is fallacious and mis-conceived when examined in the light of judgment of Hon'ble the Supreme Court in **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others**, AIR 2010 SC 2807.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

NOVEMBER 30, 2016

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No