

In the High Court of Punjab and Haryana at Chandigarh

CR-6987-2016

Date of decision: 24.10.2016

GURWINDER PAL SINGH

.....Petitioner

Versus

HARI SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J.(oral)

[1]. Learned counsel for the petitioner has assailed order dated 07.09.2016 passed by Civil Judge (Junior Division), Ludhiana vide which in a suit for specific performance of agreement to sell dated 18.11.2010, petitioner being plaintiff was ordered to pay the *ad valorem* court fee by way of granting an opportunity to affix the same by 25.10.2016, failing which the plaint will be rejected.

[2]. Learned counsel for the petitioner submits that the agreement to sell was in respect of Rs.92 lacs per acre. The land shown in the agreement to sell is 13½ bighas. Learned counsel contends that the land is shown by approximation. Without there being any clear demarcation, the quantity of land may be less or more than the figure projected in

agreement to sell. Learned counsel intends to pay *ad valorem* court fee on the projected quantity of land and seeks extension in time for making good the *ad valorem* court fee.

[3]. In view of nature of order which this Court proposes to pass at this stage, there is no necessity of issuing any notice of motion as no order prejudicial to the interest of the parties is being passed.

[4]. The issue of *ad valorem* court fee is primarily between the Court and the plaintiff. Impugned order dated 07.09.2016 passed by Civil Judge (Junior Division), Ludhiana is modified, thereby directing the petitioner to pay *ad valorem* court fee on the projected quantity of land by 23.11.2016. Till then, the trial Court shall adjourn the proceedings. However, it is made clear that no further extension shall be made for making good the deficiency in *ad valorem* court fee.

[5]. In view of aforesaid, the present revision petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

October 24, 2016

Prince

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No