

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6874 of 2014
Date of Decision: February 16, 2016

Krishan & another

...Petitioners

Versus

Santro Devi @ Santro and another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Bhupender Singh, Advocate,
for the petitioners.

Mr.Rajesh Bansal, Advocate,
for respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-defendants are aggrieved of the dismissal of their application filed under Order VII, Rule 11 of the Civil Procedure Code, whereby rejection of the plaint for want of ad valorem court fees, was sought.

Mr.Bhupender Singh, learned counsel appearing on behalf of the petitioner-defendants submits that the gift deed dated 18.12.2002 reveals handing over possession to the respondent-plaintiff and, therefore, the ad valorem court fees is required to be paid. The trial Court has erroneously dismissed the application.

Mr.Rajesh Bansal, learned counsel appearing on behalf of respondent No.1-plaintiff submits that in view of the law laid down by the

Hon'ble Supreme Court in **Narinder Kumar Versus Naresh Kumar and others, 2011 (2) PLR 547**, the application was not maintainable, much less, ad valorem court fees is not required to be paid as no possession has been sought. It is a simpliciter suit for declaration.

I have heard the learned counsel for the parties and appraised the paper book and am of the view that the principles as culled out by the Hon'ble Supreme Court in **Narinder Kumar's case (supra)** are squarely applicable to the present case as it is a simpliciter suit for declaration claiming ownership in possession of the suit property by virtue of the gift deed dated 18.12.2002. In my view, the application at the stage was not maintainable. However, this right is left open to be decided after leading the evidence.

With the aforementioned observations, the impugned order is affirmed.

Revision petition stands dismissed.

February 16, 2016
ramesh

(AMIT RAWAL)
JUDGE