

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

CR No.7350 of 2014
Date of decision : 16.03.2016

Jai Narain Sharma

...Petitioner

Versus

Balwant Singh Malik

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Ravinder Malik, Advocate for the petitioner.

Mr. Sumit Gupta, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

CM No.5589-CII of 2016

Prayer in the application is for placing on record the copy of agreement as Annexure P-5.

For the reasons stated in the application, which is duly supported by an affidavit, application is allowed.

Copy of agreement (Annexure P-5) is taken on record, subject to all just exceptions.

Main Case

The petitioner-plaintiff is aggrieved of the order, whereby he has called upon to pay the advalorem Court fees vis-a-vis the relief sought in the suit.

Mr. Ravinder Malik, learned counsel appearing on behalf of petitioner submits that suit claiming declaration challenging the sale deed dated

03.06.2010 executed between the plaintiff and defendant in respect of residential house bearing No.421, Old Housing Board, Sector-13, Urban Estate, Karnal is null and void. Application filed by the respondent-defendant, whereby petitioner has been called upon to pay the advalorem Court fees vis-a-vis sale consideration mentioned in the agreement to sell was not maintainable as possession is with the plaintiff. In support of his contention, he has relied upon judgment of this Court rendered in *Rambai Vs. Kapoori and another*, 2014(4) RCR (Civil) 376.

Mr. Sumit Gupta, learned counsel appearing on behalf of respondent-defendant submits that ratio decidendi culled out by Hon'ble Supreme Court in *Suhrid Singh @ Sardool Singh Vs. Randhir Singh and others*, 2010(2) RCR (Civil) 564 would be applicable as prayer is for cancellation of the agreement executed by the petitioner and thus, prays for dismissal of the present revision petition.

I have heard learned counsel for the parties and appraised the paper book and of the view that view expressed by this Court in Rambai's case (Supra) is as per the peculiar facts and circumstances, therefore, judgment rendered is per incuriam, whereas on the contrary principles culled out in *Suhrid Singh @ Sardool Singh's* case (Supra) would be applicable as the petitioner has sought cancellation of the agreement for which he is party, he is required to pay the advalorem Court fees, vis-a-vis consideration of the same.

No ground for interference is made out.

Revision petition is dismissed.

16.03.2016

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**(AMIT RAWAL)
JUDGE**