

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

CR No.798 of 2016
Date of decision : 04.02.2016

Parminder Kaur

...Petitioner

Versus

Gurbax Kaur and ors.

...Respondents

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. Ashish Aggarwal, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-defendant No.8 is aggrieved of the order against the dismissal of the application filed under Order 7 Rule 11 CPC seeking rejection of the plaint wherein declaration and joint possession to the effect that the plaintiff is owner of the land of share of Shingara Singh to the extent of half share has been sought.

Mr. Ashish Aggarwal, learned counsel appearing on behalf of petitioner submits that once possession has been sought, the respondent-plaintiff was required to pay advalorem courts fee vis-a-vis her share, though, the sale deeds sought to challenge dated 24.05.2005 and 30.06.2005 have been executed by defendant No.1 in favour defendant No.4 as she is

not the party. The trial Court has thus totally ignored the guidelines issued by Hon'ble Supreme Court in para No.6 of *Suhrid Singh @ Sardool Singh Vs. Randhir Singh*, 2010(2) RCR (Civil) 564.

I have heard learned counsel for the petitioner and appraised the paper book.

The head note of the suit reads thus:-

“Suit for declaration and joint possession to the effect that the plaintiff is the owner of the land of share of Shingara Singh son of Kishan Singh to the extent of ½ share in the land comprised in khewat No.39, khatauni No.89, Rect No.50, Killa No.10/1, 10/2, 11, 19, 20, 21, 22, 23 rect. No.51, Killa No.6/1, 6/2, 19/1, 21/2, Rect No.87, Killa No.15, 16, 19/6, 22, Rect No.88, Killa No.11/1, 11/2, 20/1, Rect No.106, Killa No.2/26, Khatauni No.90, Rect No.187 Killa No.9/1, Khatauni No.91, Rect No.89, Killa No.16, Khatauni No.92, Rect No.50, Killa No.18, Rect No.87, Killa No.19/1, Rect No.88, Killa No.12/2, 17/1, 17/2, 18, 19/1, 20/2, 23, Rect No.108, Killa No.3/1, 8, Rect No.87, Killa No.12/2, Khatauni No.93, Rect No.87, Killa No.12/2, Khatauni No.94, Rect No.87, Killa No.19/4, Khatauni No.94, Rect No.87, Killa No.19/4, Khatauni No.95, Rect No.108, Killa No.1,2, Khatauni No.96, Rect No.87, Killa No.19/5, Khatauni No.97, Rect No.87, Killa No.19/3, Khewat No.47, Khatauni No.111, Rect No.50, Killa No.24/2, 24/3, Rect No.55, Killa No.3, 25/1, 25/2, Rect No.56, Killa No.21/1, 21/2, Rect No.75, Killa No.5/1, Rect No.85, Killa No.5, Rect No.106, Killa No.1/1, 1/2, 1/3, 2/27, khewat No.48, khatauni No.112, Rect No.50, Killa No.1/2, 9, 12, 13/2, Rect No.51, Killa No.22/1, 23/1, khewat No.216, khatauni No.437, Rect No.51, killa No.20/1, Rect No.88 Killa No.24, 25, Khewat No.11,

Khatauni No.18, Rect No.87, Killa No.24/1, 24/3, 24/4, 25/1, khewat No.12, khatauni No.19, Rect No.87, Killa No.24/2, as entered in the jamabandi for the year 2000/2001 situated at Village Bandala, Distt. Amritsar on the basis of valid Will dated 19.6.1992 executed by late Shri Shingara Singh in favour of the plaintiff and further suit for declaration that the alleged mutation got sanctioned by the defendant No.1 in his favour contrary to the Will dated 19.6.1992 is null and void and is liable to be set aside.”

Headnote and prayer clause para is identical. On the perusal of the claim made in the suit, the plaintiff is not seeking separate possession, therefore, not required to pay court fees vis-a-vis her possession. The sale deed executed by defendant No.1, even not party of the same as sale deed had been executed by respondent-plaintiff and rightly so, application has been dismissed.

Order cannot be said to have been passed without jurisdiction.

There is no merit in the revision petition.

Revision petition is dismissed.

04.02.2016

pawan

**(AMIT RAWAL)
JUDGE**