

123.

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

Civil Revision No.808 of 2016

Date of decision:04.02.2016

Radhe Shyam Mathur and others

... Petitioners

versus

Tek Chand and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Johan Kumar, Advocate,
for the petitioners.

K.Kannan, J. (Oral)

1. The petitioners who have sued against for declaration of right to the property contended that the defendant was the plaintiffs' tenant, also prayed that the sale made by the tenant was invalid. The defendants wanted the ad valorem court fee to be paid for consideration mentioned in the sale deed.

2. Admittedly, the plaintiffs are not parties to the sale deed and the contention was that the 1st respondent was a tenant. A mere contention that the sale deed is invalid does not amount to requiring the sale deed to be set aside. The prayer must be taken as euphemism that the sale was not been binding on the plaintiffs. Such a prayer does not require ad valorem court fee to be paid on the consideration mentioned in the sale deed.

3. The defendant's contention that he has become owner, is a matter that will be considered by the trial court and cannot fetter the plaintiffs to value on the basis of averments which they asserted in the plaint. The court fee issue will be decided on the plaintiffs' assertion and not on what the defendants say.

4. Revision petition is dismissed.

(K.KANNAN)
JUDGE

04.02.2016
sanjeev