

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8918 of 2015

Date of Decision.06.01.2016

Manjit Singh and others

.....Petitioners

Vs.

Virsa Singh and others

.....Respondents

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. In a suit for specific performance, the plaintiff has valued the relief on the basis of consideration mentioned in the agreement for specific enforcement. The vendor appears to have sold the property to the petitioners and therefore, there is also a prayer in the suit that the sale by the defendant in favour of the other defendants namely the petitioners is null and void and not binding. The contention is that the prayer that the purchase by the petitioners is to be treated as null and void would require to be valued separately and the court fee has to be paid on the market value of the property.

2. The whole argument is fallacious. In a suit for the specific performance, the court fee is required to be paid only on the consideration mentioned in the agreement and not on any market value of the property. If a plaint also contains a prayer that the sale made by the vendor in favour of subsequent purchaser is not valid, it is on account

of statutory mandate under Section 19 that every subsequent purchaser is also made as party to get a binding declaration. Such an impleadment is a manner of securing an enforcement where an adjudication will be whether a subsequent purchaser was a purchaser for value without notice of any agreement earlier. It does not require any particular valuation independently. If there is a prayer in the suit that the subsequent sale deed is not valid or it was null and void, it is a needless prayer, for the right of specific enforcement itself will require an adjudication of whether a subsequent purchase is valid or not in the manner directed under Section 19.

3. The assesment to court fee in the manner done by the plaintiff is perfect and the order passed by the Court rejecting the application under Order 7 Rule 11 CPC is also correct. There is no merit in the revision. The revision petition without any substance and it is dismissed.

(K. KANNAN)
JUDGE

January 06, 2016
Pankaj*