

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.1210 of 2017
Date of decision: March 07, 2017

Mahender and another ...Petitioners

Versus

Rajbir Singh & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Dinarpur, Advocate for the petitioners.

Rajan Gupta, J.

Present revision petition is directed against the order dated 25.01.2017, passed by Addl. Civil Judge (Sr. Division), Loharu, whereby application U/O 7 Rule 11 CPC filed by defendant/respondents has been allowed and plaintiffs have been directed to pay *ad valorem* court fee along with the plaint.

Learned counsel for the petitioners has assailed the order. According to him, the alleged sale deeds are result of fraud, thus, no *ad valorem* court fees is required to be paid.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, petitioner/plaintiffs filed a suit seeking declaration that they are owner in possession of land measuring 82 Kanals 12 Marlas, situated in the revenue estate of village Fartiya Bhima,

District Bhiwani and sale deed Nos.104 dated 27.4.2007 and 5156 dated 4.3.2011 executed by plaintiffs in favour of defendants are wrong, illegal, null and void. Consequential relief of permanent injunction was also sought restraining defendants from alienating the suit property. Suit was contested by the defendants. They filed application under Order 7 Rule 11 CPC seeking direction to the plaintiffs to affix *ad valorem* court fee on the plaint on the ground that the two sale deeds were executed by the plaintiffs in favour of defendants for a total sale consideration of Rs.31,25,000/-, thus, plaintiffs were liable to pay *ad valorem* court fee on this amount. The trial court allowed the application and directed plaintiffs to pay *ad valorem* court fee along with the plaint. It observed that since plaintiffs executed the two sale deeds in favour of defendants and now they are challenging the same, therefore, they are liable to pay *ad valorem* court fee. It placed reliance on judgment of the apex court reported as *Surhid Singh @ Sardool Singh Vs. Randhir Singh 2010 (12) SCC 112*. I find no infirmity with the order passed. No interference in revisional jurisdiction is called for.

Dismissed.

(RAJAN GUPTA)
JUDGE

March 07, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No