

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.3477 of 2017 (O & M)

Date of decision :31.10.2017

Nihal Singh through his LRs

...Petitioner

Versus

Sunita and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Abhishek Yadav , Advocate
for the petitioner.

Mr. S.K. Yadav, Advocate
for respondent Nos.1 to 4.

ANIL KSHETARPAL, J. (Oral)

Nihal Singh-plaintiff is in revision petition against order dated 15.04.2017. Facts in detail have already been noticed while deciding CR No.6318 of 2016 and, therefore, the same has not been repeated.

Plaintiff-Nihal Singh is the executant of sale deed dated 04.02.2013. Plaintiff-Nihal Singh has challenged the aforesaid sale deed and sought cancellation thereof. Learned trial Court has found that since the plaintiff is executant and seeking cancellation of the sale deed, therefore, Court fee is payable as per Article 1 Schedule 1 of the Court Fee Act, 1870.

This issue has already been examined in detail by a Full Bench of this Court reported as 1981 Punjab Law Journal 423 “Niranjan Kaur vs. Nirbigan Kaur”.

A Division Bench of this Court in the judgment reported as 2011 (31) RCR (Civil) 709 “Tarsem Singh and others v. Vinod Kumar and others” has also held that if a executant is challenging the sale deed, he is required to pay Court fee in accordance with Article 1 Schedule 1 of the

For the reasons recorded above, I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Hence, this revision petition is dismissed.

31.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No