

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 4123 of 2015 (O&M)
Date of decision: 11.5.2017

Jarnail Singh

...Petitioner

Versus

Rekha and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Himanshu Sharma, Advocate
for the petitioner.

None for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 13.5.2015 passed by the learned trial court, allowing the application of defendant-respondents under Order 7 Rule 11 of the Code of Civil Procedure ('CPC' for short), directing the plaintiff-petitioner to pay ad-valorem court fee on the amount of sale consideration mentioned in the sale deed, he has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued. As per order dated 16.3.2016, service was complete. However, since nobody was appearing on behalf of the respondents, case was adjourned to 12.7.2016 and then to today. Today again, neither anybody has come present on behalf of the respondents, nor any request for pass over has been made.

Heard learned counsel for the petitioner.

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Learned counsel for the petitioner submits that present case is squarely covered in favour of the petitioner by the order dated 3.3.2017 passed by this Court in **CR No. 5091 of 2014 (Jakariya and another Vs. Smt. Mamuna and others)**. He further submits that facts of **Jakariya's case** (supra) and the present case are just similar, because in the instant case as well, plaintiff is alleging that the sale deed in question was result of fraud played on him, at the hands of the defendants. Still further, plaintiff was not seeking any consequential relief of possession.

After hearing learned counsel for the petitioner and going through the record of the case, including the impugned order, present case has been found squarely covered in favour of the petitioner by the abovesaid order dated 3.3.2017 passed in **Jakariya's case** (supra).

In view of the above, present revision petition is allowed. Impugned order dated 13.5.2015 passed by the learned court below is hereby set aside. Application of the defendant-respondents under Order 7 Rule 11 CPC would stand dismissed and the learned trial court is directed to proceed further with the suit and decide the same, in accordance with law.

Resultantly, with the abovesaid observations made and directions issued, instant revision petition stands allowed, however, with no order as to costs.

11.5.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No