

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3944 of 2017
Date of decision: 31.05.2017

Gurdeep and another

... Petitioners

Vs.

Pawan Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ramesh Sharma, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 10.01.2017 (Annexure P-4) passed by the learned trial Court, whereby application of the petitioners under Order 7 Rule 11 of the Code of Civil Procedure ('CPC' for short), seeking directions against the defendants/counter-claimants to pay ad-valorem Court fee, was dismissed, plaintiffs-petitioners have approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioners.

The only argument raised by learned counsel for the petitioners was that the case of the petitioners was squarely covered in their favour by judgment of the Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh Vs. Randhir**

Singh and others, 2010 (12) SCC 112.

Having heard the learned counsel for the petitioners at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, instant case has been found squarely covered by judgment of the Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh's** case (supra), but against the petitioners.

Fact situation is not in dispute. Counter-claimants/defendants are not the executants of sale deeds in question nor they are claiming the consequential relief of possession. In this view of the undisputed fact situation, it can be safely concluded that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It goes without saying that had the counter-claimants/defendants been executants of sale deeds in question and they might have sought declaration qua said sale deeds to be null and void with a consequential relief of possession, they would have been certainly liable to pay the ad-valorem Court fee. However, as noticed hereinabove, fact situation of the case in hand is other way round. In this view of the matter, the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found duly supported by sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

31.05.2017
vishnu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No