

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CR No. 4325 of 2015

Date of Decision: 29.08.2017

PAL SINGH

-PETITIONER

VS

SHINDER KAUR AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. M.J.S. Bedi, Advocate,
for the petitioner.

None for respondent No.1.

Mr. Deepak Aggarwal, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed the order dated 06.05.2015 passed by Additional Civil Judge (Senior Division), Phul, Bathinda whereby an application under Order 7 Rule 11 CPC filed by the defendant was disposed of, directing the plaintiff to make good the deficiency in court fee.

Plaintiff filed a suit for declaration against his sister and subsequent vendee-respondent No.2 on the ground that the plaintiff is also son of Sito and the sale deed executed by defendant No.1-respondent No.1 in favour of respondent No.2 was illegal. Admittedly, the nature of land is agriculture land and

the petitioner was not the executant of the sale deed. In case of agriculture land, advalorem court fee in view of Section 7(iv) (a) of the Court fee Act, market value of the land is taken to be 10 times of the land revenue.

As per para No.9 of the plaint, the valuation has been given for the purposes of jurisdiction as Rs.460/- to which court fee of Rs.150/- was affixed.

In my considered opinion, the nature of land being agriculture would attract advalorem court fee on the basis of 10 times of the land revenue as per ratio of **Gurshinder Singh vs Pal Singh and others, 3 (2013) Law Herald 2406.**

In view of above, impugned order is set aside. Let the suit proceeds in accordance with law.

29.08.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No