

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

(228)

CR-4334-2015 (O&M)

Decided on: July 12, 2017.

Ram Chander and another

.... Petitioners

Versus

Kishan Lal

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. B.S. Bairagi, Advocate, for the petitioners.

Mr. D.K. Tuteja, Advocate, for the respondent.

M.M.S. BEDI, J (ORAL)

During course of arguments, learned counsel for the petitioners has admitted that value of the property which has been sold, is Rs.1,05,000/-.

The plaintiffs-petitioners have challenged sale deed No.2610 dated 23.06.1999 and the plaintiffs being a party to the sale deed, have been directed to pay ad-velorum Court fee on the market value of the land in question.

Perusal of the plaint indicates that considering the value for the purpose of Court fee and jurisdiction as Rs.200, Court fee of Rs.50/- only has been affixed.

There does not appear to be any illegality in the order passed by the trial Court allowing application under Order 7 Rule 11 CPC filed by the defendant-respondent but the only error in the judgment is that ad-velorum Court fee has been ordered to be affixed on the market value of the land in question, which value at present, would be a debatable question of fact, as such order dated 11.02.2015 is modified to the extent that the

plaintiffs would be required to pay ad-velorum Court fee on the value of the property for the purpose of the Court fee and jurisdiction which would be the sale consideration mentioned in the sale deed. However, it is observed that in case the defendant-respondent raises the plea of inadequacy of the Court fee in the written statement and the Court fee is a fact in issue, it will be open to the trial Court to decide the said issue on the basis of material produced before the trial Court which would be binding on the parties as per law.

The revision petition is dismissed with above modification.

The deficiency in Court fee will be made good within a period of one month after the receipt of certified copy of this order.

(M.M.S. BEDI)
JUDGE

July 12, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No