

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4413 of 2015 (O&M)
Date of Order: 01.11.2017

Hartej Singh Sidhu

..Petitioner

Versus

Mohinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioner.

Mr. Sandeep Sharma, Advocate,
for respondents no.1 and 2.

ANIL KSHETARPAL, J (Oral)

Plaintiff-petitioner is in revision petition against order passed by the trial Court directing the plaintiff to pay ad-valorem court fee.

It is not in dispute that the plaintiff is a non executant of the transfer deed dated 08.01.2009. Plaintiff has merely filed a suit for declaration that such transfer deed would not effect the rights of the plaintiff. It is well settled by the Hon'ble Supreme Court in the judgment reported as **Surhid Singh alias Sardool Singh v. Randhir Singh and others, 2010(2) Civil Court Cases, 510**, that a non-executant is not required to affix ad-valorem court fee.

Learned counsel for the respondents has submitted that the plaintiff has also sought relief of possession.

I have considered the submission of counsel for the respondents.

The suit is for declaration that the plaintiff is the co-owner in

joint possession. No relief of possession has been sought.

In view thereof, the order under challenge cannot be sustained and, therefore, it is set aside. The revision petition is allowed.

November 01, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No