

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

(140)

CR-4323-2017 (O&M)

Decided on: July 11, 2017.

Inderpreet Singh

.... Petitioner

Versus

Jasbir Kaur

..... Respondent

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

Present: Mr. Rajesh Bhatheja, Advocate, for the petitioner.

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

Vide impugned order, application under Order 7 Rule 11 CPC filed by the defendant-petitioner, has been dismissed by the trial Court.

Learned counsel for the petitioner has submitted that the plaintiff-respondent has filed a suit for declaration that agreement dated 11.07.2014 is illegal, null and void.

The petitioner claims that in said circumstances, advelorum Court fee on the sale consideration of Rs.14 lacs is to be paid as Rs.6 lacs has already been received by the plaintiff-respondent as earnest money.

Learned counsel for the petitioner relies upon judgment in *N.N. Estate Private Limited Vs. Surinder Goyal, 2011 (3) PLR 140* and *Shakuntla Vs. Rohtas Singh and others, 2008 (4) R.C.R. (Civil) 80*. The said judgments are not applicable to the facts of the present case as in both the said judgments, the sale deed after registration, has been challenged by the plaintiff.

In the present case, the suit filed by the plaintiff-respondent is of declaration pertaining to an agreement of sale.

It is not out of place to mention here that the petitioner has filed a separate suit for specific performance against the plaintiff-respondent which is stated to be pending.

Since the plaintiff is not challenging any registered sale deed in the present case and has sought only declaration pertaining to an agreement, there does not appear to be any deficiency in the Court fee affixed by her in the suit.

The petition is dismissed without prejudice to the right of the parties in the pending litigation.

(M.M.S. BEDI)
JUDGE

July 11, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No