

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR No.6071 of 2017 (O&M)  
Date of Decision: 11.09.2017

Nek Singh

... Petitioner.

Versus

Jagraj Singh and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Inderjit Sharma, Advocate,  
for the petitioner.

**ANIL KSHETARPAL, J. (ORAL).**

The defendant is in revision against the order dated 20.07.2017.

The defendant had filed an application for rejection of the  
plaint under Order 7 Rule 11 read with Section 151 CPC on the ground that  
ad valorem Court fee has not been affixed.

The learned trial Court after relying upon the judgement passed  
by the Hon'ble Supreme Court in *Suhrid Singh @ Sardool Singh Vs.  
Randhir Singh & Ors., AIR 2010 SC 2807* has held that the plaintiff is a  
non-executant of the sale deed and, therefore, his suit is only for declaration  
that such sale deed is not binding on his rights and hence, ad valorem Court  
fee is not payable.

Further, it has been held by the Hon'ble Supreme Court in *Sri  
Rathnavarmaraja Vs. Smt. Vimla, AIR 1961 SC 1299* that revision at the  
hands of the defendant is not maintainable against dismissal of application

filed for directing the plaintiff to pay the Court fee.

In view of the above, the revision petition is dismissed.

11.09.2017  
**sk**

**(ANIL KSHETARPAL)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |