

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6402 of 2014 (O&M)
Date of Order: 13.12.2017

Samo Devi and another

..Petitioners

Versus

Harinderjit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh K. Dadwal, Advocate,
for the petitioners.

Ms. Suminder Deep Kaur, Advocate, for
Mr. Rajeev K. Kapila, Advocate,
for the respondents

ANIL KSHETARPAL, J.

Plaintiffs-petitioners are in revision petition against order dated 03.07.2014, directing the plaintiffs to pay ad-valorem court fee.

It is not disputed before me that sale deed was executed by late Narinderjit Singh through his attorney. It is further not in dispute that plaintiffs are claiming this property to be a Joint Hindu Family Coparcenary property and therefore, it is claimed that late Sh. Narinderjit Singh could not have sold the property.

Thus, the plaintiffs are non-executant of the sale deeds and a non-executant is not required to file a suit for cancellation/annulment of the sale deeds. Such plaintiffs can file a suit for declaration claiming that such sale deeds are not binding on their rights. This position of law has been settled by the Hon'ble Division Bench in the case of **Taresm Singh and others v. Vinod Kumar and others, 2011(31) RCR (Civil), 709.**

In view thereof, the order under challenge cannot be sustained.

The impugned order is set aside and the revision petition is allowed.

December 13, 2017
nt

(ANIL KSHETARPAL)
JUDGE

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