

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

CR No.6529 of 2017 (O&M)

Date of Decision: 26.09.2017

Matu Ram

... Appellant

Versus

Sukhjeet Kaur and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sukhvinder Singh Nara, Advocate,
for the appellant.

ANIL KSHETARPAL, J. (ORAL).

The defendant is in revision petition against the order dismissing the application under Order 7 Rule 11 CPC.

The defendant had moved an application under Order 7 Rule 11 CPC on two counts (i) bar of limitation and (ii) non-payment of ad valorem Court fee.

Learned counsel for the plaintiffs had made a statement before the Court that they do not press the relief of possession since they are already in possession. Therefore, the Court has noticed that the first ground taken by the defendant/petitioner that the suit is barred by limitation cannot now be examined.

On the second issue, the learned Court has held that the plaintiffs are non-executant of the sale deed and, therefore, they are not required to affix ad valorem Court fee.

It is well settled that the non-executant of the sale deed is not required to affix ad valorem Court fee as per the judgement of the Hon'ble Supreme Court in *Suhrid Singh @ Sardool Singh Vs. Randhir Singh and others*, 2010(2) CCC 510.

Even otherwise, the revision petition at the hands of the defendants against dismissal of the application for direction to the plaintiffs to pay ad valorem Court fee is not maintainable in view of the judgement passed by the Hon'ble Supreme Court in *Sri Rathnavarmaraja Vs. Smt. Vimla*, AIR 1961 SC 1299.

Learned counsel for the petitioner has come up with a prayer that after having sold the land, the sale deed has been challenged and the suit is totally frivolous.

I am afraid that such argument cannot be examined. However, the learned trial Court is requested to expedite the trial of the case and conclude the same within a period of one year.

The revision petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

26.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No