

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

CR No.6729 of 2017 (O & M)

Date of decision :09.10.2017

Tehal Singh (since deceased) through his LRs ...Petitioner

Versus

Harjit Singh ...Respondent

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

Present: Mr. Saurabh Bajaj, Advocate  
for the petitioner.

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

Plaintiff is in Revision Petition against order dated 07.09.2017 passed by the Court directing plaintiff to affix ad-valorem Court fee with the plaint as per sale consideration of the sale deed.

It is not in dispute that the plaintiff is executant of the sale deed dated 19.03.2013. Of course, plaintiff has sought cancellation of the sale deed because he has pleaded that the sale is result of fraud.

Learned trial Court after examining the case law have concluded that the plaintiff being executant of the sale deed is liable to affix ad-valorem Court fee.

Learned counsel for the petitioner while citing judgment reported as 1981 Punjab Law Journal 423 titled as 'Niranjan Kaur vs. Nirbigan Kaur' submitted that the Court fee is payable as per Article 1 Schedule 1 of Court Fees Act, 1870. There is some substance in the arguments, however, as per Article 1 Schedule 1 of the Court Fees Act, 1870, ad-valorem Court fee is payable in State of Haryana.

Division Bench of this Court in the judgment reported as

**Kumar and others'** has held that if the executant of a document wants a deed to be annulled, he is to seek cancellation of the deed and thus, liable to pay ad-valorem Court fee.

In these circumstances, I do not find any good ground to interfere with the order passed by the Court. Since the time for deposit of the Court fee has elapsed, therefore, plaintiff/petitioner is granted one month time from today to affix the required Court fee.

Hence, the revision petition is dismissed.

09.10.2017  
*sheetal*

(ANIL KSHETARPAL)  
JUDGE

Whether Speaking/reasoned : Yes  
Whether Reportable : Yes