

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

CR No.7365 of 2016
Date of decision : 27.10.2017

Jaswant Singh

...Petitioner

Versus

Mukhtiar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. Inderjeet Singh Brar, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner is in revision petition against the order dated 07.10.2016 directing the plaintiff to deposit the Court fees according to the market value of the property.

Learned trial Court has recorded that the plaintiff is a non-executant and, therefore, not required to pay the Court fees on a suit for declaration. However, learned trial Court has ordered that qua relief of possession, the plaintiff is required to pay the Court fees as per the market value.

Learned trial Court has clearly overlooked the amendment brought in by the State of Punjab which is also applicable to the Himachal Pradesh, Delhi, Union Territory of Chandigarh. It is clearly provided in the amendment that in case the relief sought in the plaint is for possession of

agricultural land, the Court fees shall not be as per the market value but in accordance with the aforesaid amendment.

In these circumstances, the order passed by the learned trial Court is clearly perverse. The impugned order dated 07.10.2016 is set aside.

Revision petition is allowed.

The plaintiff shall make the deficiency in accordance with the aforesaid amendment applicable to the agricultural land, if there is any, within a period of one month from today.

27.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No