

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

CR No. 7111 of 2017
Date of decision :12.10.2017

Makhan Singh

...Petitioner

Versus

Gurdev Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

Plaintiff is in revision petition against the order directing payment of ad-valorem Court fee.

It is not in dispute that the plaintiff is executant of the transfer deed dated 02.05.2016 and then mortgage deed dated 30.05.2016. As per the transfer deed, the value of the property is mentioned as Rs.1,20,00,000/-.

Learned counsel for the petitioner has vehemently argued that the transfer deed has been challenged on the ground of fraud and, therefore, no Court fee is payable.

I have considered the submission of learned counsel, however, I do not find any force in the same.

A Full Bench of this Court in the case reported 1981 Punjab Law Journal 423 titled '**Niranjan Kaur vs. Nirbigan Kaur**' had held that if a suit is for cancellation of an instrument, the Court fee would be payable as per Article 1 of Schedule 1 of the Court Fees Act, 1870. \

Still further, Hon'ble Division Bench of this Court in the judgment reported as 2011(31) RCR (Civil) 709 titled '**Tarsem Singh and**

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

In these circumstances, I do not find any good ground to interfere with the impugned order passed by the learned trial Court.

The revision petition is dismissed. However, the plaintiff is granted one month time to deposit the amount of Court fee.

12.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned : Yes
Whether Reportable : No