

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

CR No. 7980 of 2014(O&M)

Date of decision: 4.9.2017

Mohinder Pal Kaur

....Petitioner

VERSUS

Mala Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Ajay Singla, Advocate for respondent No.3.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 28.10.2014 (Annexure P-1) passed by the Civil Judge (Junior Division), Bathinda whereby the petitioner/plaintiff has been directed to pay advalorem Court fee as he has challenged sale deed No.11806 dated 24.03.2011 executed by defendant No.1 as an Attorney of the plaintiff in favour of defendant No.2 by relying upon judgment of Hon'ble the Supreme Court in **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, AIR 2010 SC 2807.**

The sole submission made by counsel for the petitioner is that earlier a similar application was filed by respondent/defendant no.2 and the same was allowed by the Court vide order dated 23.05.2012 (Annexure P-3) and in pursuance thereof, the petitioner has affixed Court fee of the value of Rs.29,950/- payable on sale consideration of Rs.11,37,500/-, therefore, the petitioner cannot be directed to pay Court fee twice on the

value of sale deed No.11806 dated 24.03.2011. He has produced on record certified copy of the amended title of the plaint depicting payment of Court fee of Rs.29,950/-.

Counsel representing respondent No.3 (contesting) has not disputed that if the petitioner has paid Court fee as per valuation of the sale deed, he is not obliged in law to pay the said Court fee again since an application by the newly added defendant, in this regard, has been filed.

In view of the above, the petition is allowed and the impugned order is set aside.

Disposed of accordingly.

SEPTEMBER 4, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no