

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

CR No.8676 of 2015 (O&M)
Date of decision : 04.12.2017

Inder Singh

...Petitioner

Versus

Jagir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Singla, Advocate for the petitioner.

Mr. Tarandeep Kumar, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

It is not in dispute that the plaintiff-petitioner had executed the sale deed, annulment whereof is being prayed for in the suit filed by him. Learned trial Court has directed the plaintiff to affix the ad valorem Court fees.

It is well settled that Executant has to pay the ad valorem Court fee, if he wants a deed or a document to be cancelled or annulled. Reference in this regard can be made to the judgment passed by the Hon'ble Full Bench of this Court reported as *Niranjan Kaur Vs. Nirbigan Kaur, 1982 PLR 127*. Similarly, Hon'ble the Division Bench of this Hon'ble Court in the judgment *2014(1) ICC 1054, Tarsem Singh and others Vs. Vinod Kumar and others*, held as under:-

“i) If the executant of a document wants a deed to be

annulled, he is to seek cancellation of the deed and to pay advalorem Court fee on the consideration stated in the said sale deed.

ii) But if a non-executant seeks annulment of deed i.e. when he is not party to the document, he is to seek a declaration that the deed is invalid, non-est, illegal or that it is not binding upon him. In that eventuality, he is to pay the fixed Court fee as per Article 17(iii) of the Second Schedule of the Act.

iii) But if the non-executant is not in possession and he seeks not only a declaration that the sale deed is invalid, but also a consequential relief of possession, he is to pay the advalorem Court fee as provided under Section 7(iv)(c) of the Act and such valuation in case of immovable property shall not be less than the value of the property as calculated in the manner provided for by Clause (v) of Section 7 of the Act.”

In view thereof, there is no ground to interfere with the present revision petition.

Revision petition is dismissed.

04.12.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No