

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

110

CR No.8802 of 2015
Date of Decision:10.11.2017

Nirmala

...Petitioner

Versus

Rajpal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Pankaj Sharma, Advocate
for respondent No.8.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-petitioner is in revision petition against order directing the plaintiff to pay ad-valorem Court fee. Plaintiff had filed a suit for declaration claiming to be Class I legal heir of Mala Ram. She had claimed that wrongly the mutation was entered into in the name of Rajpal exclusively.

Plaintiff had also sought declaration that Civil Court decree dated 28.04.2011 and the sale deed in favour of other defendants shall not be affecting her rights.

It is clear that the plaintiff is not a party to the aforesaid decree and she was not an executant of the sale deed.

In these circumstances, plaintiff is not required to pay ad-valorem Court fee. This position of law has been well settled by the Hon'ble Supreme Court in the judgment “**Suhrid Singh @ Sardool Singh**

Court in the judgment **“Tarsem Singh and others vs. Vinod Kumar and others” 2011(31) RCR (C) 709** have also taken the same view.

In view thereof, the impugned order is set aside.

Hence, this revision petition is allowed.

10.11.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No