

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

**Civil Revision No.8573 of 2017
Date of Decision: 20.12.2017**

Sarabjit Singh

....Petitioner

V/S

Inderjit Singh and others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Anantdeep Singh Sandhu, Advocate,
for the petitioner.

RITU BAHRI, J.(Oral)

Learned Counsel for the petitioner has filed the present petition against the order dated 06.11.2017 passed by the trial Court, whereby application under Order 7 Rule 11 CPC dated 18.07.2017 filed by the respondent Nos. 1,2 and 4 for rejection of the plaint has been allowed and the petitioner has been directed to affix advalorem Court fee on the consideration mentioned in the sale deed dated 01.03.2016 bearing Vasika Nos. 13401,13403 and 13404, less amount of Rs.100/-(Court fee already affixed), within a period of one month.

Petitioner has filed the suit for cancellation of the above said sale deeds on the ground that it has been executed in his absence as he left India on 27.08.2014 and thereafter, he never visited India. As such, on 01.03.2016 when the sale deed was executed he was not present in India and the same were got executed by playing fraud and by impersonating the petitioner. In this regard an FIR No. 117 datd 05.05.2017 under Sections 419,420,465,467,468,471, 120-B IPC has been registered against the

brother of the petitioner.

Learned Counsel for the petitioner further relied upon the judgement of this Court titled as 'Suhrid Singh @ Sardool Singh Vs. Randhir Singh and Others, 2010(2) Civil Court Cases 510 (SC), wherein it was held that if the executant of a deed wants it to be annulled, he has to seek cancellation of the deed. But if a non-executant seeks annulment of a deed, he has to seek a declaration that the deed is invalid, or non-est or illegal or that it is not binding on him.

However, the said authority cited by the learned counsel for the petitioner is not applicable to the facts of the present case as the petitioner is not executant of the sale deed regarding which he had sought a declaration so he has to pay ad valorem court fee on the consideration stated in the sale deed.

No ground is made on the basis of FIR registered by the petitioner to allow the present petition. The present petitioner is liable to make a payment of ad valorem fee. Hence, the present petition stands dismissed.

Dismissed.

December 20th, 2017
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(RITU BAHRI)
JUDGE