

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

C.R.No.1472 of 2016

Rajdeep Kaur and Ors.

...Petitioners

Versus

Charandeep Singh & Another

....Respondents

Date of Order: 13.12.2018

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. RPS Boparai, Advocate for  
Mr. J.S. Gill, Advocate for the petitioners.

None for the respondent.

**AMIT RAWAL, J (ORAL)**

Present revision petition is directed against orders dated 07.1.2016 and 03.2.2016 passed by learned Civil Judge (Jr. Division), Karnal vide which application filed by the respondent-defendant under Order 7 Rule 11 CPC has been allowed and the petitioner has been directed to pay ad valorem court fee in the suit for declaration with relief of possession.

It has been stated that the petitioner-plaintiff instituted the suit for declaration and possession claiming following relief:

*“It is therefore, prayed before this Hon'ble Court that a decree of declaration to the effect that plaintiff No.1 is the owner of house no.227/1255/1/266 (all three houses nos is the same property) according the sale deed vasika No.4273/1 dt 15.10.1975 and will deed No.21 dt 22.6.04 and by giving direction to the defendant to vacate the house of the plaintiff and hand over the possession of the*

*house to the plaintiffs may kindly be passed in favour of the plaintiffs against the defendant as fully mentioned above in the interest of justice.”*

It is contended that as declaration of ownership has been sought on the basis of sale deed and the Will, therefore the relief of possession is consequential and thus the court fee cannot be required to be paid.

I am afraid that the argument of learned counsel for the petitioner is not sustainable as from the perusal of relief clause, it is apparent that the relief of possession is not consequential but primary in nature.

Accordingly, there is no illegality or infirmity in the impugned order warranting interference.

Dismissed.

**December 13, 2018**  
**manoj**

**(AMIT RAWAL )**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether Reportable : Yes/No