

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

CR No.1102 of 2018 (O&M)

Date of decision : February 19, 2018

Om Parkash

..... Petitioner

Versus

Devi Dayal (deceased) through LRs and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present petition is the order dated 02.02.2018 (Annexure P-5) passed by learned Addl. Civil Judge (Sr. Divn.), Assandh, vide which the application of the petitioner under Order VII, Rule 11 CPC for directing the plaintiff to pay ad valorem court fee has been dismissed.

A perusal of the plaint shows that the plaintiff has filed a suit for possession of Gair Mumkin Kittas, which is a land situated in the village. The defendants claimed that there is a house over the same. The plaintiffs claimed that they are owner in possession of the said property.

In these circumstances, the present petition is disposed of with a direction to the trial Court to frame issue regarding the ad valorem court fee and decide the same after recording the evidence of both the parties.

**(KULDIP SINGH)
JUDGE**

February 19, 2018

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No