

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1402 of 2017 (O&M)

Date of decision: 30.4.2018

Jagdeep

....Petitioner

Versus

Shanti Devi and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Manjeet Singh, Advocate for
Mr.Jasbir Mor, Advocate for the petitioner.

Mr.R.P.Daaria, Advocate for
Mr.Dinesh Rawat, Advocate for respondents No.1 and 2.

KULDIP SINGH, J. (Oral)

Impugned in the present revision petition is order dated 24.1.2017 (Annexure P-4) passed by learned Civil Judge (Sr.Divn.) Jind vide which the plaintiff was held liable to pay Court fee on the sum of Rs.25 lacs and Rs.57,50,000/- plus interest @ 2% per month from 8.12.2014 to 17.5.2016.

It comes out that plaintiff has challenged the sale deed No.1893 dated 9.12.2014 executed by him in favour of the defendant. He has also challenged the memorandum of understanding dated 24.12.2014 whereby the sale deed was to be executed for sale consideration of Rs.57,50,000/-. However, in the sale deed, sale consideration is mentioned as Rs.25,00,000/-. The sale deed has been challenged on the ground of fraud. Plaintiff was required to affix ad valorem Court fee on the amount of sale consideration i.e. Rs.25 lacs. Regarding the question as to whether the court

fee is payable on the value of memorandum of understanding, the trial Court can be directed to frame the issue in this regard and decide the same on merits.

It being so, the revision petition is partly allowed to the extent that plaintiff is ordered to pay Court fee on the sum of Rs.25 lacs i.e sale consideration. Regarding the memorandum of understanding, the trial Court is directed to frame specific issue as to whether the Court fee is payable on Rs.57,50,000/- mentioned in the MOU dated 24.12.2014 and decide the same after allowing the parties to lead evidence. Revision petition is partly allowed and partly dismissed.

(KULDIP SINGH)
JUDGE

30.4.2018
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No