

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 1890-2016 (O&M)
Date of decision: 07.03.2018

Leelawati

.....Petitioner

versus

Smt.Santra and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rajender Chhokar, Advocate for the petitioner
Mr.Tanuj Kumar, Advocate for
Mr.Sanjay Verma, Advocate for respondent no.1

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

Petitioner has challenged the order dated 11.9.2015 (Annexure P4) passed by learned Civil Judge (Junior Division), Gurgaon, vide which, objections to the affixation of the Court fee were rejected.

It comes out that earlier, the defendants-petitioner had filed an application under Order VII Rule 11 CPC 1908 for rejection of the plaint on the ground that proper Court fee is not affixed. Said application was allowed. Accordingly, the plaintiff affixed the ad valorem Court fee of Rs.1300/-, treating the value of the sale deed of plaintiff as Rs.38,870/-. Court after considering the value of the sale deed, held that proper Court fee has been affixed.

Learned counsel for the petitioner states that it was suit for possession. Therefore, the Court fee on the market value of the suit property

should have been affixed. It comes out from the impugned order that the said land was allotted to the plaintiff on the intervention of this Court and in the transfer deed, value of the property was mentioned as Rs.38,870/-, which, at that time, was considered to be value of the property.

It being so, there is no illegality or infirmity in the impugned order.

Resultantly, the present revision petition stands dismissed.

07.03.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No