

In the High Court of Punjab and Haryana at Chandigarh

264

CR No.333 of 2017

Date of decision: 27.7.2018

JATINDER PAL SINGH @ JYOTI

.....petitioner

Versus

SATPAL SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: None for the petitioner.

Mr.Raman Mohinder, Advocate
for respondents No.1 to 3.

RAJ MOHAN SINGH, J (oral)

Petitioner has challenged the order dated 1.10.2016 passed by Additional Civil Judge (Sr.Divn.) Sangrur, whereby the plaintiff was directed to make good the deficiency in court fee by taking valuation of the suit.

The plaintiff being executant of the sale deed sought to get it annulled in the civil suit. As per first principle of **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others 2010 (2) RCR (Civil), 564 (SC)**, if the executant of the sale deed seeks to annul it then he has to affix court fee on the consideration as shown in the instrument. By relying upon the

ratio of **Suhrid Singh's case (supra)**, the trial Court, vide the impugned order, directed the plaintiff to make payment of court fee by taking valuation of the suit property as mentioned in the impugned sale deed.

Notice of motion was issued on 19.1.2017 and no stay was granted. Thereafter, on the adjourned dates i.e. 1.8.2017 and 22.2.2018, none appeared on behalf of the petitioner.

Learned counsel for the respondent has brought on record certified copy of the order dated 6.2.2017, passed by Additional Civil Judge (Sr.Divn.), Sangrur, vide which the plaint has been rejected under Order 7 Rule 11 (b) CPC for non compliance of the order of making good the deficiency in court fee. In view of above, this revision petition has rendered infructuous.

The revision petition is accordingly dismissed as having been rendered infructuous.

(RAJ MOHAN SINGH)
JUDGE

July 27, 2018

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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No