

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

CR No.3848 of 2015 (O&M)
Date of decision: 8th March, 2018

Santra Devi

... Petitioner

Versus

Dharminder & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.P. Chahar, Advocate for the petitioner.

None for the respondents.

FATEH DEEP SINGH, J.

Petitioner Santra Devi happens to be, as per her claim, daughter of Udey Singh, the latter was proprietor with shamlat rights of the land duly depicted in the plaint (Annexure P1) and had died intestate on 18.12.2010 leaving behind his heirs.

Claim of the plaintiff/petitioner is that she inherited half share of the estate of her father and that defendants No.1 to 5 as a consequence of a criminal conspiracy to deprive her of her valuable rights of the property left by her deceased father, fraudulently got mutation No.1739 dated 15.03.2011 sanctioned on 08.09.2011 in their favour in collusion with the revenue authorities. It is alleged that the defendants No.1 and 2 illegally and malafidely sold the land out of this property of the deceased Udey Singh, through registered sale deed No.1374 dated 11.09.2012, supplementary sale deed No.1599 dated 12.10.2012 and sale deed

bearing No.567/1 dated 17.06.2013 leading to sanction of mutation Nos.1804 dated 18.12.2012 and 1836 dated 29.08.2013 and another sale deed bearing No.1800/1 dated 09.11.2012 for which mutation No.1806 has been illegally sanctioned on 18.12.2012 and thus, challenged by way of a suit for declaration with consequential relief of permanent injunction.

It is through impugned orders dated 16.04.2015 (Annexure P4) the Court of learned Civil Judge (Junior Division), Rohtak while disposing off the application under Order VII Rule 11 CPC read with Section 151 CPC moved by defendants No.1 to 6, had ordered that the plaintiff is required to pay ad-valorem Court fee as per the sale consideration in the sale deed.

Upon hearing learned counsel for the petitioner Mr. S.P. Chahar, Advocate and perusal of the records.

It is apparent that the land in question is agricultural land assessed to land revenue. The petitioner having inherited the right in the estate of her father has challenged the alienation by the defendants and in the light of view expressed by our own High Court in '**Dr. Ashok Kumar Goyal v. Arya Mittar & others**' 2007(2) RCR (Civil) 797, wherein it has clearly held that the same stands covered under Section 7(v)(a) of the Court Fees Act, 1870 and therefore the Court fees as per the land revenue so assessed is to be levied. In the light of same, learned trial Court has certainly fell into an error and there is patent illegality in the impugned order to this effect and thus, ad-valorem Court fee on the

land revenue so assessed and not sale consideration is to be affixed. In the light of the same, the petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

March 8, 2018

rps

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