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

CR No.4139 of 2018

Date of Decision: 04.07.2018

Bhup Singh

....Petitioner

Vs

Smt. Seema Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aditya Jain, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner has assailed the order dated 14.05.2018 passed by Civil Judge (Junior Division), Pataudi vide which application filed by the respondents-defendants under Order 7 Rule 11 CPC was allowed.

2. Apparently, plaintiff is the executant of the sale deed dated 09.01.2014 and he seeks to annul it on the ground that his signatures were forcibly obtained on gun point i.e. in a fraudulent manner.

3. In view of law laid down in **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, 2010(2) RCR(Civil) 564.** if the executant of a deed seeks cancellation of the same, he has to pay *ad valorem* court fee on the consideration stated in the instrument.

4. Apparently, plaintiff is the executant and he seeks to annul the sale deed on the plea of taking his signatures fraudulently. The ratio laid down in **Suhrid Singh @ Sardool Singh's case (supra)** was followed by the Division Bench of this Court in **Tarsem Singh and others vs. Vinod Kumar and others, 2011(31) RCR (Civil) 709.**

5. As regards the plea of fraud, the High Court in Civil Revision No.4067 of 2012 titled '*Dharam Singh and others vs. M/s Omax Construction Ltd.*', decided on 12.03.2015 took the view in the context of not requiring payment of court fee in such a situation. The said view was overruled by the Hon'ble Apex Court in CA No.8880 of 2015 arising out SLP(C) No.16313 of 2015 titled '*M/s Omax Construction Ltd. vs. Dharam Singh and others*' vide order dated 26.10.2015.

6. In view of aforesaid, no exception can be carved out in the present case and the plaintiff who is the executant of the sale deed is required to pay the Court fee as per the consideration shown in the instrument.

7. This revision petition is devoid of merits and the same is accordingly, dismissed.

04.07.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No