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

**CR No.4794 of 2016(O&M)
Date of Decision: 17.05.2018**

Avtar krishan Singh

.....Petitioner

Vs

Manmohan Singh Chauhan and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Gagan Oberoi, Advocate
for the petitioner.

Mr. Kanwar Ashawani Kumar, Advocate
for respondents.

RAJ MOHAN SINGH, J. (Oral)

This revision petition has been preferred by the petitioner against the order dated 24.05.2016 passed by Civil Judge (JD), Ludhiana whereby the plaintiff/petitioner was held liable to pay *ad valorem* court fee on the market value of suit property.

Plaintiff/petitioner filed a suit for declaration challenging the sale deed dated 11.05.2015 allegedly executed by the plaintiff himself in favour of defendant No. 1 on the basis of fraud.

In view of the first principle laid down in the case of ***Suhrid Singh @ Sardool Singh Versus Randhir Singh; 2010(2) RCR (Civil)564*** that when the executant seeks to challenge the deed, he has to affix *ad valorem* court fee on the consideration

mentioned in the deed itself.

While issuing notice of motion on 28.07.2016, the payment of court fee beyond the price mentioned in the sale deed was stayed.

Learned counsel for the petitioner submits that *ad valorem* court fee on the basis of consideration shown in the sale deed has already been paid.

In view of the legal position as culled out from the ratio of ***Suhrid Singh @ Sardool Singh's case (supra)***, the court fee already affixed by the petitioner on the basis of first principle laid down in the case of ***Suhrid Singh @ Sardool Singh's case (supra)*** would suffice to serve the purpose qua payable court fee in the suit.

This revision petition is disposed of, accordingly.

17th May, 2018

shabha

**(RAJ MOHAN SINGH)
JUDGE**

<i>Whether speaking/reasoned</i>	Yes/No
<i>Whether reportable</i>	Yes/No