

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No.4623 of 2017 (O&M)  
Date of Order: 06.03.2018

Gulzar Singh and others

..Petitioners

Versus

Karam Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Kumar Saini, Advocate,  
for the petitioners.

Mr. Vineet Chaudhary, Advocate,  
for respondent no.1.

**ANIL KSHETARPAL, J.**

Defendants-petitioners are in revision petition against the order dated 09.05.2017, dismissing application under Order 7 Rule 11 CPC for rejecting of the plaint on the ground that proper court fee has not been affixed.

It is not disputed that the plaintiff is not an executant of the relinquishment deed. Plaintiff had filed a suit for declaration to the fact that the relinquishment deed dated 19.03.2001, executed by late Sh. Gurnam Singh, in favour of defendant no.1 was not binding on his rights.

In the considered opinion of this Court, once the plaintiff is not an executant, as per the judgment of the Hon'ble Supreme Court in the case of **Suhrid Singh alias Sardool Singh v. Randhir Singh, 2010(2) Law Harald (SC), 1371**, the *ad valorem* court fee is not payable on a suit for declaration.

Learned counsel for the petitioners has vehemently argued that

the plaintiff has prayed for a consequential relief of permanent injunction restraining the defendants no.1 from interfering, selling, alienating, creating any charge or raising any type of construction. He submits that qua the relief of permanent injunction, *ad valorem* court fee is payable.

Learned counsel was requested to draw the attention of the court to the relevant provision of the Court Fee Act to support his argument that *ad valorem* court fee is payable on a relief of injunction. However, learned counsel failed to point out any such provision. On a relief of injunction, a fixed court fee is payable as per the provisions of the Court Fee Act.

Still further the revision filed by the petitioners who were defendants is not maintainable in view of the judgment passed by the Hon'ble Supreme Court in *Sri Rathnavarmaraja v. Smt. Vimla, AIR 1961 SC 1299.*

The revision petition is dismissed.

March 06, 2018  
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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

: Yes/No  
: Yes/No