

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.5073 of 2016 (O&M)
Date of Decision.18.12.2018

Dera Baba Bhumman Shah

....Petitioner

Vs

Darshana Devi

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajiv Sidhu, Advocate
for the petitioner.

Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate
for the respondent.

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AMIT RAWAL J. (ORAL)

The short point involved in the present case is whether the petitioner, who is signatory of the sale deed sought declaration for setting aside the sale deed 15.05.1986, can be called upon to pay the ad valorem court fee as per existing collector rate on filing of the suit or the price therein.

The aforementioned controversy has already been set at rest by a judgment rendered by Full Bench of this Court in **Niranjan Kaur Vs. Nirbagan Kaur 1982 PLR 127** wherein it has been held as under:-

“As regards the present case, the plaintiff-petitioner claimed possession of the suit land after getting a declaration that the sale deed was null and void because of the alleged fraud etc. It significant to note that the plaintiff-petitioner herself being a party to the sale deed

could not sue for a mere declaration that the sale deed was fraudulent and the vendees had not acquired any title thereunder. The sale deed had to be cancelled, otherwise, title in the land had already passed to the vendee under the deed. In the present case, the plaintiff-plaintiff had to get the sale deed, to which she was a possession of the land. Thus, the substantive relief being the cancellation of the sale deed, it is [Article 1](#), Schedule I of the Act, which was applicable to the suit of the plaintiff-petitioner.

In view of such situation, impugned order calling upon the petitioner to pay the ad valorem court fee as per existing collector rate is not sustainable and the same is hereby set aside.

The revision petition is disposed of in the above terms.

(AMIT RAWAL)
JUDGE

December 18, 2018
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No