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

CR No. 5601 of 2018
Date of Decision: 28.08.2018

Darshan Singh

-Petitioner

Vs

Dharminder Singh and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anmol Verma, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

1. The trial Court has accepted the application under Order 7 Rule 11 CPC and directed the plaintiff to affix the Court fee on the consideration shown in the sale deed dated 14.08.2006 as the plaintiff himself is the executant of the sale deed. Other two sale deeds dated 27.12.2010 and 05.10.2012 have not been commented upon as the plaintiff was not the executant of the same.

2. Plaintiff has challenged the three sale deeds, out of which he was executant of sale deed dated 14.08.2006 and remaining sale deeds dated 27.12.2010 and 05.10.2012 on the ground of fraud.

3. Remaining two sale deeds were executed by the vendee of the plaintiff to which he was not the executant. The

Court has taken cognizance of first sale deed thereby directing the plaintiff to affix Court fee as per consideration shown in the instrument.

4. The case is covered by the first principle of **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, 2010 (2) RCR(Civil) 564** as well as the judgment of Division Bench in **Tarsem Singh and others vs. Vinod Kumar and others, 2011 (31) RCR (Civil) 709.**

5. The plea of the plaintiff-petitioner regarding fraud cannot be appreciated at this stage in view of judgment of 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*' decided on 26.10.2015 wherein the decision rendered in Civil Revision No.4067 of 2012 titled '*Dharam Singh and others vs. M/s Omax Construction Ltd.*', dated 12.03.2015 was overruled.

6. In view of above, no indulgence can be granted in favour of the petitioner.

7. This revision petition is accordingly, dismissed.

28.08.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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