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

CR No. 5666 of 2018

Date of Decision: 29.08.2018

Tek Singh

-Petitioner

Vs

Ajaib Singh and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Raman Mohinder Sharma, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

1. Learned counsel for the petitioner contends that application under Order 7 Rule 11 CPC was filed in respect of payment of *ad valorem* Court fee in respect of sale deed No.1763 dated 01.07.1988 and sale deed No.1896 dated 22.07.1988. Reference of third sale deed No.1931 dated 24.02.2003 was not given in the application but the impugned order is indicative of the fact that sale deed No.1931 dated 24.02.2003 has also been taken into consideration while passing the impugned order.

2. It is not in dispute that in respect of sale deed No.1763 dated 01.07.1988, plaintiff-petitioner was the executant of the sale deed and as per first principle of **Suhrid Singh @**

Sardool Singh vs. Randhir Singh and others, 2010(2) RCR

(Civil) 564, if the executant of the instrument seeks to get it annulled, he has to affix the Court fee as per the consideration shown in the instrument.

3. So far as sale deed No.1896 dated 22.07.1988 and sale deed No.1931 dated 24.02.2003 are concerned, plaintiff-petitioner is non-executant seeking to challenge the aforesaid sale deeds and also seeking consequential relief of possession.

4. As per third principle of **Suhrid Singh @ Sardool Singh's case (supra)**, the plaintiff-petitioner has to affix the Court fee as per market value of the suit property. Even if reference of sale deed No.1931 dated 24.02.2003 is not given in the application, still it is not in dispute that the aforesaid sale deed is under challenge in the suit. The issue of Court fee is between the plaintiff and the Court. Defendant only set the machinery in motion.

5. I find no illegality or impropriety in the impugned order passed by the trial Court.

6. This revision petition is accordingly, dismissed.

29.08.2018

*Jyoti Yadav***(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No