

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

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CR No.6221 of 2016 (O & M)
Date of Decision:21.03.2018

Bhajan Singh and others

...Petitioners

Versus

Sahab Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J.(Oral)

Plaintiffs/petitioners are in the revision petition against the order passed by the learned trial Court directing the plaintiffs to affix the Court fee on the market value of the suit land.

It is not disputed that the plaintiffs/petitioners are non-executant of the gift deed as has been found by the learned Civil Judge (Junior Division), Kaithal. However, the plaintiffs have been directed to pay ad valorem court fee on the market value with regard to relief of possession.

A reading of the plaint shows that the suit land is an agricultural land. For relief of possession, the Court fee is payable, as per the amendment carried out by the Haryana State in the Court Fees Act. Concept of market value qua the relief of possession for the purposes of calculating the court fee payable has been substituted by Haryana Act No.11 of 1974 as amended by Haryana Act No.22 of 1974. The market value of the agricultural land has been statutorily prescribed by the aforesaid amendment.

Still further, the plaintiffs have only sought a relief of joint possession. In the considered opinion of this Court, relief of joint possession

cannot be equated with relief of possession.

Plaintiffs in the present case have sought joint possession because ultimately, they would be co-sharers in the suit land, if they succeed in the suit.

In view of the aforesaid, the order under challenge is set aside.

The learned trial Court is requested to proceed with the suit.

Revision petition is allowed.

21.03.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No