

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

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CR No.6535 of 2017 (O & M)
Date of Decision:14.05.2018

Sarjeeto and another

...Petitioners

Versus

Hazara Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagdish Manchanda, Advocate
for the petitioners.

Mr. Deepak Sharma, Advocate
for respondent No.3.

ANIL KSHETARPAL, J.(Oral)

It is undisputed between the learned counsel for the parties that the plaintiffs are not the executant of the sale deed but they are claiming possession.

The learned Court has ordered the plaintiff to pay ad valorem Court fee on the sale consideration. Such ad valorem Court fee is not payable once the plaintiffs are not executant of the sale deed.

However, learned counsel for respondent No.3 has pointed out that the relief of possession has been sought and, therefore, the Court fee would be payable qua relief of possession.

Since learned trial Court has ordered payment of Court fee on the ground that sale deed has been challenged, therefore, the impugned order is liable to be set aside. Learned counsel for the petitioners points out that the relief of possession has been sought with respect to agricultural land and, therefore, as per amendment by State of Haryana vide Act No.11 of

possession, Court fee is payable as per the schedule given.

In view of the aforesaid, the order under challenge is set aside.
Learned trial Court is directed to determine the Court fee payable on the relief of possession after keeping in view the amendments brought in by the State of Haryana.

Revision petition is allowed.

14.05.2018
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(ANIL KSHETARPAL)
JUDGE

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