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

**Civil Revision No.7305 of 2015
Date of Decision: 08.08.2018**

JOGINDER SINGH

.....Petitioner

Vs

KULWANT SINGH AND ORS.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. N.K. Manchanda, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition was dismissed vide order dated 02.11.2015. Thereafter the said order was recalled in RA-CR No.283-CII of 2016 vide order dated 29.04.2016.

[2]. It is not in dispute that the plaintiff has challenged both the sale deeds i.e. the sale deed executed by the plaintiff in favour of defendant No.1 and the sale deed executed by defendants No.2 to 7 in favour of defendant No.1.

[3]. For the purposes of appreciating payable Court fee in terms of **Suhrid Singh @ Sardool Singh vs. Randhir Singh**

and others, AIR 2010(SC) 2807, the executant of the sale deed, if seeks to annul the sale deed, then he has to affix the court fee as per sale consideration shown in the sale deed. In a way the executant of the sale deed i.e. the plaintiff seeks cancellation of the sale deed, then he has to pay *ad valorem* court fee on the consideration mentioned in the sale deed.

[4]. So far as sale deed executed by defendants No.2 to 7 in favour of defendant No.1 is concerned, the plaintiff is non-executant and seeks to declare the same as null and void without seeking possession, but seeks consequential joint possession after declaratory relief.

[5]. For the second sale deed, the case is covered under the second principle of Suhrid Singh @ Sardool Singh's case (supra) as the plaintiff has to affix court fee of Rs.19.50 paisa under Article 17(iii) of Second Schedule of the Act.

[6]. For the reasons as culled out from the pleadings of the parties, this revision petition is partly accepted to the extent of directing the plaintiff to pay *ad valorem* court fee on the consideration shown in the sale deed executed by him and defendants No.2 to 7 in favour of defendant No.1.

August 08, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No