

248

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6966 of 2017 (O/M)

Date of decision : 7.5.2018

Paramjit Kaur

..... Petitioner

Versus

Avtar Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Giri, Advocate,
for petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

Impugned in present revision is order dated 5.7.2017 (Annexure-P-4), passed by learned Additional Civil Judge (Senior Division), SAS Nagar, Mohali, vide which application filed under Order VII Rule 11 CPC, 1908, for rejecting the plaint for not properly affixing the Court fee has been dismissed.

Trial Court has taken the view that present plaintiffs are not signatory to sale deed. Therefore, ad valorem Court fee is not required to be paid.

The learned counsel for petitioner relies upon authority of Apex Court in *Suhrid Singh alias Sardool Singh Versus Randhir Singh and others*, 2010 AIR (SC) 2807.

Perusal of said authority shows that suit was regarding ancestral property.

CR No. 6966 of 2017 (O/M)

The learned counsel for petitioner has pointed out to the plaint where the property is claimed to be ancestral.

In these circumstances, revision is disposed of with a direction to trial Court to frame issue regarding payment of Court fee and decide same alongwith main case without taking into consideration the observations made in impugned order.

(KULDIP SINGH)
JUDGE

7.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No