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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.7416 of 2017 (O&M)
Date of Decision: 01.08.2018

SMT. BHATERI DEVI

.....Petitioner

Vs

PAWAN KUMAR AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Naveen S. Bhardwaj, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has assailed the order dated 09.10.2017 passed by Civil Judge (Jr. Divn.) Charkhi Dadri, whereby plaintiff/petitioner was directed to affix requisite court fee on the plaint.

The plaintiff being executant of the gift deed sought to challenge the same by way of declaratory suit. As per first principle of **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, AIR 2010(SC) 2807**, if the executant of the instrument seeks to get it annulled, he has to affix court fee as per consideration shown in the instrument. Since no

consideration can be shown in gift deed, therefore, as per first principle of the aforesaid judgment no court fee is required to be affixed in the plaint.

Learned counsel for the respondent could not refute the aforesaid proposition.

In view of above, this revision petition is allowed. Impugned order dated 09.10.2017 passed by the Civil Judge (Jr. Divn.) Charkhi Dadri is hereby set aside. Normal consequences to follow.

August 01, 2018

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No