

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 7711-2017 (O&M)
Date of decision: 07.05.2018

Ghisa Ram

.....Petitioner

versus

Krishan Kumar

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rajesh Khandelwal, Advocate for the petitioner
Mr.Vivek Khatri, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision petition is the order dated 13.10.2017 passed by learned Civil Judge (Junior Division), Hisar, vide which, application filed by the defendants under Order VII Rule 11 CPC 1908 was allowed and the plaintiff was directed to pay ad valorem Court fee.

I have heard learned counsel for both the parties and have also carefully gone through the file.

It comes out that the plaintiff has filed a suit against his grandson for declaration that he is the owner of the suit land. He has also sought setting aside of the sale deed No.2498 dated 26.5.2006 on the ground that it was obtained by fraud and misrepresentation. Copy of the plaint shows that basic prayer of the plaintiff is for setting aside the sale deed on the ground of fraud, misrepresentation and non-payment of the sale

consideration. Plaintiff was party to the sale deed.

Learned counsel for the petitioner has relied upon the authority of Apex Court in Suhrid Singh @ Sardool Singh vs. Randhir Singh & others, (Civil Appeal Nos.2811-2813 of 2010), arising out of SLP(C) Nos.6745-47/2009, decided on 29.3.2010. Facts of the said cases are entirely different. In the said case, one of coparcners has sought declaration that the sale deed was not binding on his co-parcenary rights, which is not in the present case. Learned counsel for the petitioner has relied upon another authority of this Court in Smt.Raj Bala vs. Charan Singh and others (Civil Revision No.2884 of 2016) decided on 26.4.2016. It was prayed that vendor of the petitioner has no right to execute the sale deed. In both the cases, plaintiff was not party to the sale deed. The present case stands on different footing. Plaintiff has executed execution sale deed. Now, he basically seeks annulment of the sale deed though in place of seeking cancellation he is seeking declaration. There is no illegality or infirmity in the impugned orders calling upon the plaintiff to pay ad valorem Court fee.

Resultantly, the present revision petition stands dismissed.

07.05.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No