

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

**CR No.8411 of 2018(O&M)
Date of Decision: 11.12.2018**

**Jangir Kaur
Versus**

.....Petitioner

Jamna Bai and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. H.S. Jakhal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner is aggrieved of order dated 25.10.2018 passed by Additional Civil Judge (Senior Division), Fazilka vide which application filed by respondents No.1 and 2 under Order 7 Rule 11 CPC was allowed and the plaintiff was directed to pay *ad valorem* Court fee in the suit.

[2]. A suit for declaration was filed by the plaintiff/petitioner challenging the sale deed to which she was an executant.

[3]. In view of **Suhrid Singh @ Sardoll Singh Vs. Randhir Singh and others, RCR (Civil) 564,** if an executant seeks to get the document annulled, he/she has to pay Court fee on the basis of consideration shown in the instrument.

[4]. The view expressed by this Court in **CR No.4067 of 2012** titled **Dharam Singh and others Vs. M/s Omax Construction Ltd.** decided on 12.03.2015 in the context of not requiring payment of Court fee in case of transaction being fraudulent was overruled by the Hon'ble Apex Court in **CA No.8880 of 2015** arising out of **SLP(C) No.16313 of 2015** titled **M/s Omax Construction Ltd. Vs. Dharam Singh and others** decided on 26.10.2015.

[5]. In view of aforesaid legal position, there is no escape except to direct the plaintiff to pay *ad valorem* Court fee on the consideration shown in the instrument. There is no error of jurisdiction in the impugned order dated 25.10.2018 passed by Additional Civil Judge (Senior Division), Fazilka. This revision petition is accordingly dismissed.

December 11, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No