

In the High Court for the States of Punjab and Haryana at Chandigarh

CR No. 386 of 2018
Date of Decision: May 02, 2019

Mohan Lal

... Petitioner

Versus

Baldev Krishan

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Hitesh Ghai, Advocate,
for the petitioner.

Mr. Pankaj Bali, Advocate,
for the respondent.

Amit Rawal, J. (Oral)

The short point involved in the case is when the notification issued by the Punjab State permitting the family transfer without payment of stamp fee, can a party be permitted to pay Court fee in a suit challenging the transfer deed without any consideration.

The afore-mentioned question has been answered by this Court in *Surjit Singh vs. Karamjit Kaur, 2012(3) RCR (Civil) 364* in para nos. 6 and 7. Present case is of the same kind wherein the ownership has been transferred between the two brothers. In such circumstances, order of the Court below allowing the application of the defendant calling the plaintiff to pay the ad valorem court fee is wholly fallacious, illegal and perverse.

In view of above, impugned order is set aside. Revision petition stands allowed.

May 02, 2019
vkd

(Amit Rawal)
Judge

Whether speaking / reasoned : Yes
Whether reportable : No