

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.6026 of 2018 (O&M)
Date of Decision.21.01.2019

Kaku Singh ...Petitioner
Vs
Gurwinder Kaur and others ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The present revision petition is directed against the impugned order whereby the application of the respondent-defendant for rejection of the plaint for non-payment of the court fee, has been allowed.

Mr. Phoolka, learned counsel for the petitioner submitted that the suit for declaration for setting aside the sale deed does not amount to cancellation, therefore, ad valorem court fee is not required to be paid.

I am afraid the aforementioned argument is not sustainable. Concededly, the petitioner-plaintiff is executant of the sale deed dated 15.04.2018. As per the ratio decidendi culled out by Full Bench of this Court in Niranjan Kaur Vs. Nirbagan Kaur 1982 PLR 127, a person is required to pay the court fee.

In view of such circumstances, the order under challenge cannot be said to be suffering from infirmity, much less, cannot be said to be passed without jurisdiction. The same is upheld and the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

January 21, 2019
Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No