

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

CR No.7369 of 2018

Date of Decision : 13.05.2019

Yogesh Sharma

.....Petitioner

Versus

Bachan Rai (now deceased) through LRs and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Amandeep S. Jawandha, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This Revision Petition is directed against the Order dated 6th August, 2018 passed by the Ld. Civil Judge (Junior Division), Samrala, vide which the Application under Order Order 7 Rule 11 read with Section 151 of the Civil Procedure Code (Annexure P-1), seeking dismissal of the Suit for non-payment of the requisite Court Fees, was rejected.

2. The sum and substance of the aforesaid Application is contained in Para Nos.2, 3 and 4 of the same, which are set out as below :-

2. That the plaintiff has claimed two reliefs against the applicant i.e. one for specific performance and second for alternative relief of recovery of Rs.30,000/- as alternative relief.

3. *That the plaintiff has not properly valued the suit for the purpose of court fee upon the valuation of alternative relief.*

4. *That the plaintiff has not paid advalorem court fee on the valuation of alternative recovery relief on the basis of forged and fabricated alleged agreement in question.*

3. In the impugned order, the Ld. Court has however noted that the Plaintiff/Respondent had actually affixed *ad valorem* Court Fees of Rs.1050/- on Rs.30,000/-, which is exactly the amount referred to in aforesaid Para No.2 of the Petitioner's Application. It was nowhere the case of the Petitioner that Respondent had not paid Court Fees on the total Sale consideration amount, nor the total amount has been mentioned and disclosed anywhere in the Application.

4. For the aforesaid reasons, this Court finds no ground to interfere with the impugned order.

5. Dismissed.

May 13, 2019
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No