

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

CR-5643-2019 (O&M)
Date of decision: 11.09.2019

Sandeep

...Petitioner

Versus

Rajesh Devi and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ravinder Malik, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

The plaintiff is aggrieved by order dated 18.07.2019, passed by Civil Judge (Jr. Divn.) Rohtak, allowing an application filed by the defendants for issuance of direction to the plaintiff, who is revisionist before this Court, to fix the ad-valorem Court fee on the plaint on the basis of consideration amount mentioned in the sale deed.

Briefly stated, facts of the case are that revisionist/plaintiff had brought a suit for declaration, permanent injunction and mandatory injunction, challenging the sale deed executed by him in favour of defendant No.1 for the reason that the sale deed is a result of fraud because the plaintiff was under influence of alcohol and morphine at the relevant time and defendant had hatched a criminal conspiracy to grab the land of plaintiff and therefore got executed the sale deed in question from him. He still in possession of the suit land and as a matter of fact, no consideration amount was paid to him. On getting notice, the defendants

appeared and moved an application under Order 7 Rule 11 CPC for rejection of the plaint for the reason that the plaintiff had not affixed the ad-valorem Court fee on the plaint. The trial Court, in the light of the factual and legal position, vide impugned order, came to conclusion that the plaintiff is executant of the sale deed in question and he has sought cancellation of the same on the ground of fraud, as such, he is liable to pay ad-valorem Court fee on the consideration amount stated in the sale deed. The order is quite detailed and well reasoned. There is no illegality or infirmity therein, much less apparent on the face of such order. The order is certainly not perverse or in violation of relevant provisions of law. Thus, interference therewith is called for by exercising revisional jurisdiction. As such, finding no merit in the revision petition, the same stands dismissed.

11.09.2019
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No