

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

**CR No.8513 of 2018(O&M)
Date of Decision: 16.01.2019**

**Jagtar Singh
Versus
Baljit Singh and others**

**.....Petitioner
.....Respondents**

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

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

RAJ MOHAN SINGH, J.(Oral)

[1]. At the very outset, learned counsel for the petitioner does not press the non-maintainability of the suit. As regards the second ground, evidently, the plaintiff has sought declaration without seeking possession.

[2]. The case of the petitioner is covered by second principle of **Suhrid Singh @ Sardool Singh Vs. Randhir Singh and others, 2010(2) RCR (Civil) 564** and only Rs.19.50 as Court fee is required to be affixed. Plaintiff is the non-executant of transfer deed dated 22.02.2012 as the same was executed by the defendants, therefore, as per Article 17(iii) of the Second Schedule of the Act, the plaintiff is required to affix the Court fee of Rs.19.50.

[3]. Learned counsel for the petitioner further submits that

the pleadings as per plaint have created an illusion qua cause of action.

[4]. If the aforesaid argument of learned counsel for the petitioner is appreciated, then in such eventuality, the defendant/petitioner can be relegated to the remedy of availing provision of Order 10 CPC on the first date of hearing as per law laid down in **Church of Christ Charitable Trust and Educational Charitable Society Vs. Ponniamman Educational Trust, (2012) 8 SCC 706.**

[5]. In view of aforesaid, the present revision petition stands dismissed. However, nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

16.01.2019

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**