

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1564 of 2017 (O&M)
Date of Order:02.03.2020

Jagjit Singh

..Petitioner

Versus

Babanpreet Singh @ Simranjot Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Swarn Singh Tiwana, Advocate
for respondents no.1 and 2.

ANIL KSHETARPAL, J(Oral)

Petitioner-plaintiff is admittedly executant of the transfer deed. He has filed a suit for declaration to the effect that plaintiff is owner in joint possession of the land described in the plaint. Plaintiff is in fact praying for annulment of transfer deed dated 20.02.2015.

Learned trial court while noticing that since the plaintiff is party to the transfer deed and has also claimed relief of possession directed the plaintiff to deposit ad-valorem court fee.

Present revision petition has been filed against the order passed by the learned trial court directing the plaintiff to deposit ad-valorem court fee on the sale consideration.

Learned counsel for the petitioner relies upon a judgment passed by the Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, (2010) 12 SCC 112.**

This court has carefully read the aforesaid judgment. In the

aforesaid judgment, Hon'ble Supreme Court drew distinction between the suit for cancellation filed by a person, who is party to the instrument and suit filed for declaration by a non-executant. It was held that if the person is non-executant, he is not required to pay court fee because he is only required to file suit for declaration. Whereas in other eventuality, when the person is party to the document, he is required to file a suit for cancellation and to deposit a ad-valorem court fee. Therefore, the judgment relied upon by the petitioner is also not applicable.

Dismissed.

March 02, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No