

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

-.-

C.R. No. 475 of 2020 (O&M)

Date of decision: 22.01.2020

Raman Kumar

... Petitioner

Vs.

Mansi & Anr.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. Shekhar Verma, Advocate, for the petitioner.

ALKA SARIN, J.

The present revision petition has been filed against the order dated 18.12.2019 (Annexure P-8), whereby the application under Order 7 Rule 11 of the Code of Civil Procedure (for short, 'CPC') filed by the petitioner was dismissed.

The only ground taken in the application under Order 7 Rule 11 CPC filed by the petitioner was that in the counter-claim the respondents have claimed relief of possession of 6.43 marla plots alongwith double storey residential house. It is further stated in the application that the property was within the jurisdiction of the Municipal Corporation and value of land was ₹60,000/- per marla and that an amount of Rs.50 lakh had been spent on construction. It was hence pleaded that the counter-claim was under-valued and on this ground deserves to be rejected.

The trial Court after hearing the parties dismissed the said application after recording a finding that if counter-claimant is found to be under-valued, they shall be ordered to pay the Court fees at any stage. Hence the revision petition.

Without going into the merits of the case as to whether the counter-claim is under-valued or not, I deem it appropriate to direct the trial Court to frame an additional issue regarding the valuation of the counter-claim, as according to the counsel for the petitioner no issue has been framed qua valuation of the counter-claim.

With these observations, the present revision petition is disposed off.

January 22, 2020
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(ALKA SARIN)
JUDGE

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