

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

124

**CR No. 1757 of 2020
Date of decision : 17.3.2020**

Prem Chand @ Mahesh Kumar

.....Petitioner

Vs.

Rahul Bansal and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sudhir Aggarwal, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This is a petition under Article 227 of the Constitution of India, challenging the order dated 26.2.2020 passed by the Civil Judge (Junior Division), Pataudi, whereby, while allowing the application under Order 7 Rule 11 CPC, the petitioner has been directed to pay the requisite ad-valorem court fees.

At the outset, it is submitted by counsel for the petitioner that the petitioner does not want to pursue the challenge to the order qua the merits of the matter. However, the trial Court has not specified the market value of the property, with reference to which the court fees is to be affixed by the petitioner. Hence, the order deserves to be clarified in that regard. Still further, it is submitted that otherwise, the approximate market value is determined by the State by issuing collector rates from time to time for registration of the sale deeds, with reference to particular areas. The petitioner is not averse to making the payment of court fees as per the collector rates prescribed for the area where the suit land is situated. However, this aspect deserves to be clarified.

Having regard to the facts of the case; and after considering the

submissions made by counsel for the petitioner, this Court does not find any illegality with the impugned order; so far as the merits of the order are concerned. However, the submissions of the counsel that the market value deserves to be specified by the trial Court; so that the requisite court fees could be paid by the petitioner, appears to be justified. But for that purpose the petitioner may approach the trial Court itself.

Accordingly, the present petition is disposed of by granting liberty to the petitioner to move the necessary application before the trial Court for permission to affix the court fees, as per the prescribed collector rate for the area concerned.

(RAJBIR SEHRAWAT)
JUDGE

17.3.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No