

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

CR No.6895 of 2019(O&M)

Date of decision: 8.1.2020

Amanpreet Kaur and anotherPetitioners

VERSUS

Navdeep Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vikas Arora, Advocate for the petitioners.

REKHA MITTAL, J. (Oral)

Challenge in the present petition has been directed against order dated 25.03.2019 passed by the trial Court whereby application filed by the respondents/defendants under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (in short 'the Code') directing the plaintiffs/petitioners to pay ad valorem Court fee has been allowed and petitioners have been directed to affix ad valorem Court fee.

The sole submission made by counsel is that since the petitioners are in possession of the suit land and have not sought relief for recovery of possession, they are not liable to pay ad valorem Court fee.

Indisputably, the petitioners have sought to challenge three sale deeds, detailed in headnote of the plaint (Annexure P-1). Counsel for the petitioners has not disputed that the petitioners are a party to those sale deeds. Once the petitioners are executants of the sale deeds sought to be set aside, they are liable to pay ad valorem Court fee irrespective of whether they have sought the relief of possession or otherwise. In this

context, reference can be made to judgment of Hon’ble the Supreme Court **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, AIR 2010 SC 2807.** In this view of the matter, I do not find an error in the order impugned, warranting intervention.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed in limine.

JANUARY 8, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no