106

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-343-2020 (O&M)
Date of decision : 30.09.2022

Salim Ahmed ... Petitioner(s)

Versus

Budhan Khan ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Baljeet Beniwal, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

The present revision petition has been filed challenging the order dated 15.10.2019 dismissing the application filed by the petitioner herein under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC) for rejection of the plaint on the ground of deficit *ad valorem* court fee.

Learned counsel for the petitioner would contend that agreement to sell dated 12.02.1997, on the basis of which the present suit has been filed, though categorically states that the total consideration involved in the present case is Rs.23,000/-, however, it is contended that *ad valorem* court fee would be payable on the basis of the market value of the property in dispute.

Heard.

In the present case, the suit has been filed for specific performance of an agreement to sell dated 12.02.1997 wherein it has categorically been stated that the total consideration for the land in dispute

YOGESH SHARMA
2022.10.06 11:48
I attest to the accuracy and integrity of this order/judgment.
Punjab and Haryana High Court, Chandigarh

was Rs.23,000/- and the requisite court fee has been paid on the said amount. The argument of learned counsel for the petitioner that *ad valorem* court fee would be payable on the basis of the market value of the property in dispute is not substantiated. Learned counsel is unable to cite any provisions of law or case law in support of his argument to show that *ad valorem* court fee would be payable in the present case.

In view of the above, I do not find any illegality or infirmity in the impugned order passed by the Court below. The present revision petition which is devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Dismissed.

(ALKA SARIN)
JUDGE

30.09.2022
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO

YOGESH SHARMA
2022.10.06 11:48
I attest to the accuracy and integrity of this order/judgment.
Punjab and Haryana High Court, Chandigarh