

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6909 of 2017 (O&M)

Date of Decision: 03.08.2022

Arun Kumar

... Petitioner(s)

Versus

Subhash Chander and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Viney Saini, Advocate
for the petitioner(s).

Mr. Vaibhav Sharma, Advocate
for the respondent No.1 to 7.

Anil Kshetarpal, J.

1. This revision petition has been filed in order to challenge the interlocutory order passed by the learned trial Court while dismissing the application, filed by the defendant No.1, for rejection of the plaint on account of insufficient court fee.

2. Firstly, no revision petition is maintainable once the defendant's application has been rejected. Reliance in this regard can be placed on the judgment passed by the Supreme Court in *Sri Ratnavaramaraja v. Smt. Vimla AIR 1961 Supreme Court 1299*.

3. In any case, the plaintiffs have only filed a suit for declaration with a consequential relief of joint possession.

4. The learned counsel representing the petitioner contends that the correctness of various sale deeds have been challenged. Admittedly, the

plaintiffs are not the executant of the aforesaid sale deeds. In such

circumstances, the plaintiffs are only required to seek declaration that the aforesaid sale deeds are not binding on their rights. In *Suhrid Singh alias Sardool Singh v. Randhir Singh and Others (2010)2 SCC 112*, the Supreme Court, while drawing distinction between a suit for annulment of the sale deed and a suit for declaration, held that in a suit for grant of declaration, no ad valorem court fee is payable, whereas, in a suit for annulment, filed by the executant, ad valorem court fee is payable.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 03, 2022
“DK”

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