

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7314 of 2016 (O&M)

Date of Decision: 19.09.2022

Kartar Singh

... Petitioner(s)

Versus

Surinder singh Namberdar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner(s).

Mr. Lovish Rattan, Advocate
for Mr. Surinder Sharma, Advocate
for the respondent No.1, 2, 7 and 10.

Mr. Sandeep Chopra, Deputy Advocate General,
Punjab, for the respondent No.47.

Anil Kshetarpal, J.

1. The petitioner assails the correctness of the order passed by the trial Court while directing him to pay the *ad valorem* court fee on the amount of sale consideration.

2. He has filed a suit for declaration that he did not execute any power of attorney, therefore, the sale deeds, executed on the basis of that power of attorney, are illegal. For the purpose of payment of the *ad valorem* court fee, the Court cannot assume that the facts as stated in the plaint stand proved. The plaintiff is shown to be the executant of the sale deeds through his attorney. Once he files a suit for annulment of such sale deeds, he is required to pay the *ad valorem* court fee in view of the judgment passed by

and Others (2010)12 SCC 112 and Full Bench of this Court in *Niranjan Kaur v. Nirbigan Kaur 1981 AIR (Punjab & Haryana) 368*.

3. Keeping in view the aforesaid fact, no ground is made out to interfere with the order passed by the trial Court. Hence, the present revision petition is dismissed.

4. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

September 19, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No