

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

CR-6979-2017 (O&M)

Date of decision: 30.09.2022

Hari Chand and others

....Petitioners

Versus

Ram Dayal (since deceased) and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aditya Jain, Advocate for the petitioners

Mr. Munish Behl, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The trial court has directed the plaintiffs to make good the deficiency in payment of court fee as they are the executants of the various sale deeds through the General Power of Attorney and hence they are required to seek annulment of the sale deeds. The Supreme Court in **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others (2010) 12 SCC 112** held that if an executant wants to challenge the correctness of the document executed by him, then ad valorem court fee is payable. In **Niranjan Kaur vs. Nirbigan Kaur 1982 PLR 127**, a Full Bench of this Court held that whenever an executant wants an annulment of the document, the ad valorem court fee is payable.

Learned counsel representing the petitioners submits that the General Power of Attorney was executed in favour of Likhi Singh son of Amar Singh but he died on 19.09.1997. He submits that someone has impersonated as Likhi Singh and executed the sale deeds. Be that as it may, for the purpose of determining the ad valorem court fee, the court

is not expected to first record the evidence. It shall be open to the plaintiffs to prove that fact during the course of trial of the suit. For the purpose of determination of the ad valorem court fee, the court is only required to examine the broad facts. Hence, no ground to interfere is made out.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

30.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE