

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7350 of 2018

Date of Decision: 28.09.2022

Darshan Singh and Another

... Petitioner(s)

Versus

Dilbir Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Varun Jain and Mr. Arun Jindal, Advocates
for the petitioner(s).

Mr. Manish Kumar Singla and Ms. Shikha Singla, Advocates
for the respondent No.2.

Anil Kshetarpal, J.

1. Admittedly, the petitioners (plaintiffs) have executed the sale deed through their attorney. Thus, the trial Court has correctly held that they, being the executant of the document, are required to seek its annulment as provided under Section 31 of the Specific Relief Act, 1963 and consequently, pay the *ad valorem* court fee on the amount of sale consideration specified in the sale deed. The law on this issue is no longer *res integra* in view of the judgments passed by the Full Bench of this Court in *Niranjan Kaur v. Nirbigan Kaur 1981 AIR (Punjab & Haryana) 368* and the Supreme Court in *Suhrid Singh alias Sardool Singh v. Randhir Singh and Others (2010)12 SCC 112*.

2. The learned counsel representing the petitioners relies upon the judgment passed in *Dhram Singh v. M/S Omaxe Construction Ltd. and*

Court has carefully read the judgment. In that case, the plaintiff claims that he never went to the State of Madhya Pradesh to execute the power of attorney on the basis of which the sale deed was executed in the State of Haryana. The Court further found that the prayer is to obtain a declaratory decree. It is obvious that the attention of the Bench was not drawn to the Full Bench judgment of this Court in *Niranjan Kaur's case (supra)*. Moreover, the judgment passed in *Dhram Singh's case (supra)* is given in the peculiar facts of the case.

3. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

September 28, 2022

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No