

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CR-497-2022(O&M)
Date of decision:14.02.2022

MIHA SINGH (SINCE DECEASED) THROUGH
HIS LR

...Petitioner

Versus

TULIP FOUNDATION

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Brijender Kaushik, Advocate, for the petitioner.

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner has filed a suit for declaration that the gift deed dated 06.08.2015, executed by him is null and void.

The petitioner is the executant of the aforesaid gift deed. In fact the petitioner, ought to have filed a suit for annulment of the gift deed.

In any case, keeping in view the law expounded in Suhrid Singh alias Sardool Singh vs. Randhir Singh and others, (2010) 12 SCC 112, the trial Court has directed the plaintiff to pay the advalorem court fee.

Once the petitioner is party to the document and wants the deed to be annulled, he is to seek cancellation of the deed. Such being the position, the petitioner has correctly been directed to pay the advalorem court fee.

Hence, dismissed.

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

February 14, 2022

(ANIL KSHETARPAL)
JUDGE

nt

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No