

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 546 of 2022

Date of Decision: 18.02.2022

Mahal Singh

... Petitioner(s)

Versus

Raj Kumar and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parminder Singh, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. Admittedly, the petitioner, through his general power of attorney, is the executant of the sale deed dated 09.10.2015. The petitioner (the plaintiff before the trial Court) prays for annulment of the General Power of Attorney as well as the sale deed.

2. The trial Court, while relying upon the judgment passed in ***Suhrid Singh v. Randhir Singh and Others 2010 AIR (SC) 2807***, has held that once the plaintiff is the executant of a document and prays for its annulment, he is required to deposit the *ad valorem* court fee on the amount of sale consideration.

3. The learned counsel representing the petitioner contends that the plaintiff does not seek relief of possession and hence, he is not required to deposit the *ad valorem* court fee.

4. On a careful reading of the judgment passed in ***Suhrid Singh's case (supra)***, it is evident that the Supreme Court, while interpreting Section

7(iv)(c) of the Court Fees Act, 1870, has held that if the plaintiff is a party to the document and seeks its cancellation or annulment, the *ad valorem* court fee is required to be paid. Hence, the distinction sought to be drawn by the learned counsel representing the petitioner does not exist. Therefore, no ground to interfere is made out and consequently, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

February 18, 2022
“DK”

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