

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.2218 of 2022

Date of Decision: 31.05.2022

Ramesh Kumar

.....Petitioner

Versus

Suman @ Jaya

.....Respondent

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Sushil Bhardwaj, Advocate
 for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the order dated 17.05.2022 (Annexure P-4) passed by learned Civil Judge (Senior Division), Kurukshetra (for short 'the trial Court'), whereby the application moved by the respondent-defendant (here-in-after to be referred as 'the defendant') under Order 7 Rule 11 CPC for seeking direction to the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') to affix the *ad-valorem* court-fee on the plaint as per the market value of the suit property and in the event of the failure of the plaintiff to do so, to reject the plaint, has been allowed, while directing the plaintiff to place the necessary documents, showing the market value of the suit property, on the file and to affix the *ad-valorem* court-fee on the plaint according to market value thereof, the plaintiff has preferred the instant revision petition.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision petition and have also perused the file carefully.

3. Learned counsel for the plaintiff contends that the market value of the suit property cannot be ascertained at this stage and rather, it would be a subject matter for consideration and adjudication after both the parties lead evidence in support of their respective contentions in this regard and therefore, the impugned order is not legally sustainable.

4. However, the afore-raised contention is *sans* any merit because the plaintiff has filed the civil suit against the defendant for seeking the possession of the suit property by way of directing the defendant to hand over its vacant possession to him. Since the plaintiff has, in fact, sought the relief of possession of the suit property, therefore, the matter is squarely covered under the provisions of Section 7(v)(e) of the Court Fees Act, 1870 which provides that in case of the suit for possession of the houses and gardens, the same shall be valued according to the market value of the house or garden. Vide the impugned order, the trial Court has directed the plaintiff to produce the necessary documents on the file to show the market value of the suit property and then, to affix the *ad-valorem* court-fee in accordance thereof.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the petition in hand stands dismissed.

31.05.2022
neetu

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>