

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

Sr. No.123

CR-2568-2022

Date of Decision: 11.07.2022

SANT KUMAR SINCE DECEASED THROUGH HIS LRS

...Petitioners

VERSUS

JAGDISH AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Deepak Chaudhary, Advocate
for the petitioners.

ARCHANA PURI, J.

Present revision petition has been filed for setting aside of the order dated 07.05.2022 (Annexure P-4) passed by learned Additional Civil Judge (Senior Division), whereby an application under Order 7 Rule 11 CPC (Annexur P-2), filed by the respondents/defendants had been allowed.

Perusal of the plaint (Annexure P-1) reveals that Sant Kumar had initially filed suit against his two sons, Jagdish and Zile Singh, thereby seeking declaration that he is the owner of the land, as detailed in the headnote of the plaint, and also challenged the release deeds bearing No.7906 and 7907 dated 19.11.2019, executed by him in favour of his sons i.e. the defendants.

It is the claim of the petitioner/plaintiff that he intended to transfer some land in favour of his two sons and one daughter, namely, Maya Devi, in equal shares. However, the sons took him to the Tehsil for the purpose of transfer of his share in favour of defendants and Maya Devi, in equal share, but they have played a fraud upon the plaintiff and got executed the registered release deeds bearing No.7906 and 7907 dated

19.11.2019, regarding the entire share of the plaintiff in favour of defendants only.

As such, it is his claim that fraud has been played upon him, and his daughter Maya Devi, has been deprived of the transfer of land in her favour, in equal share with the defendant. Also, it is stated in the plaint that the plaintiff is still in possession of the suit land and his share and release deeds have not been acted upon.

Keeping in view the same, even though, late Sant Kumar is the executant of the release deeds in question, but however, he has pleaded fraud, and therefore he is not required to affix ad valorem Court fee.

In view of the aforesaid fact situation impugned order dated 07.05.2022 is hereby set aside, and the instant revision petition is allowed.

(ARCHANA PURI)
JUDGE

11.07.2022

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No