

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

CR-2599-2022

Date of decision : 12.07.2022

Karan Singh

...Petitioner

Vs.

Sunita Devi and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh, Advocate for the petitioner.

MANOJ BAJAJ, J.

Plaintiff-Karan Singh has filed this revision petition to challenge the order dated 31.05.2022 (Annexure P-5) whereby application under Order 7 Rule 11 C.P.C filed by defendant was allowed by learned Civil Judge (Junior Division) Indri, District Karnal directing the petitioner (plaintiff) to affix ad valorem court fee before 22.07.2022.

Learned counsel has argued that the petitioner (plaintiff) had filed a suit for declaration with a consequential relief of permanent injunction to challenge the sale deed bearing No.469 dated 05.06.2018, which was got executed from the plaintiff by way of fraud and misrepresentation, therefore, he prayed for a decree of declaration that the said instrument as illegal, null and void. According to him, the defendant moved an application under Order 7 Rule 11 Code of Civil Procedure praying for rejection of the plaint as proper ad valorem court fee was not affixed. He submits that since the petitioner has not received the sale consideration, therefore, the impugned order is erroneous in law as no Court fee is required to be affixed by the plaintiff.

During the course of hearing, it is not disputed by learned counsel that as per defendants, sale consideration was paid through different cheques and the particulars of the payment and cheque numbers are contained in subject sale deed.

At this stage, learned counsel for the petitioner states that he gives up his challenge to the impugned order on merits, but prays that more time be afforded to the plaintiff to affix the requisite court fee.

The prayer appears to be reasonable.

Resultantly, the revision petition is dismissed as not pressed, however, the plaintiff is granted more time upto 31.08.2022 to affix the requisite court fee.

(MANOJ BAJAJ)
JUDGE

12.07.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No