

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

CR-3054-2022

Date of decision : 03.08.2022

Kuka Singh

...Petitioner

Vs.

Mithu Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gourav Jain, Advocate for the petitioner.

MANOJ BAJAJ, J.

Plaintiff-Kuka Singh has filed this revision petition to challenge the order dated 06.07.2022 (Annexure P-5), passed in Civil Suit bearing No.419-2019 by Additional Civil Judge (Senior Division), Tohana, whereby petitioner (plaintiff) was directed to affix ad valorem court fee as per collector rate.

Learned counsel for the petitioner has argued that the petitioner has filed a suit for declaration to challenge the sale deed dated 01.02.2007 and has not prayed for any relief for possession, therefore, he is not required to affix the ad valorem court fee. According to him, the approach adopted by the Civil Court in passing the impugned order dated 06.07.2022 is erroneous as the petitioner has been directed to affix the ad valorem court fee, while accepting the application filed by defendant under Order VII Rule 11 CPC. In support of his argument, he has relied upon the decision of this Court passed in “**Ashok and another Vs.**

Satender Pal Singh and others”2007(1) PLJ 209 . Learned counsel prays

that the impugned order be set aside.

After hearing learned counsel and considering the above background, this Court finds that the sale deed in question was executed by the petitioner through the attorney, therefore, merely because he has not sought relief for possession is of no consequence to hold that he is not required to affix ad valorem Court fee. The ratio of the judgment relied upon by the petitioner is not applicable in the present case as in the said case, when the property was sold and sale deed was executed, the plaintiff/executant was minor, therefore, in that context it was held that the sale deed was executed to deprive the minor of his rights in the suit property, who had challenged the sale deed only without claiming any consequential relief as he was already in possession.

A perusal of the impugned order dated 06.07.2022 (Annexure P-5) passed by Additional Civil Judge (Senior Division), Fatehabad shows that it is based upon the correct appreciation of pleadings, law on the subject and does not suffer from any illegality or impropriety, and does not warrant any interference.

Resultantly, petition fails and is dismissed.

(MANOJ BAJAJ)
JUDGE

03.08.2022
vanita

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