

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

208

CR-2431-2021 (O&M)

Date of decision: 05.01.2022

BALBIR SINGH

..Petitioner

Versus

KRISHANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing
on account of restricted functioning of the Courts.

As per the office report, notice issued to the respondent has been
received back served. However, the respondent remains unrepresented.

While issuing notice of motion on 27.10.2021, the following
order was passed:-

“The petitioner has filed this revision petition under Article 227 of the Constitution of India assailing the correctness of the order passed by the Additional Civil Judge (Senior Division), Ganaur, directing him to deposit the ad valorem court fee by the next date of hearing i.e. 29.10.2021.

The plaintiff is the executant of the registered sale deed dated 01.06.2021. He now prays for cancellation thereof. Once the plaintiff is the executant of the sale deed and wants it to be annulled, he is liable to pay the ad valorem court fee on the amount of the sale consideration in view of the judgment passed by the Hon'ble Supreme Court in *Suhrid Singh alias Sardool Singh v. Randhir Singh and Others* in Civil Appeal Nos. 2811- 2813 of 2010 (arising out of SLP(C) Nos. 6745-47/2009. The learned counsel representing the petitioner contends that the trial Court has erred in directing the petitioner to pay ad valorem court fee on the market value of the suit property.

Let the plaintiff deposits the ad valorem court fee on the amount of the sale consideration dated 01.06.2021 within a period of two months.

Notice of motion for 05.01.2022.

The petitioner shall be at liberty to serve the respondent through her counsel in the trial Court.”

There is no representation on behalf of respondent and the argument noticed in the order dated 27.10.2021 remains uncontroverted. Therefore, the revision petition is allowed to the limited extent. The petitioner shall be liable to pay ad-valorem Court fee on the amount of sale consideration, dated 01.06.2021. Learned counsel representing the petitioner has stated that the amount has already been deposited.

Consequently, the order under challenge is modified and in place of direction to pay ad-valorem Court fee as per the market value of the suit properties, the petitioner is required to pay the ad-valorem Court fee on the amount of the sale consideration specified in sale deed dated 01.06.2021.

Disposed of.

All the pending miscellaneous application(s), if any, are also disposed of.

05.01.2022

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE