

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

CR-6583-2019 (O&M)

Date of decision: 10.11.2022

Gursev Singh

...Petitioner

Versus

Gurmit Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satvir Singh Bakshiwala, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The petitioner herein is the defendant no.2 in a suit filed by the plaintiff, for grant of decree of declaration that the alleged transfer deed dated 20.04.2017, executed by defendant no.1, in favour of defendant no.2, is illegal, null and void. The relief of specific performance of the agreement to sell dated 24.12.2015 was also sought. The plaintiff has already paid the ad valorem court fee of Rs.10,000/-. Defendant no.2 claims that the plaintiff is required to pay the ad valorem court fee of Rs.26,000/-. The trial court has dismissed the said application.

In view of **Sri Ratnavaramaraja vs. Smt. Vimla, AIR 1961 SC 1299**, the revision petition at the behest of the defendant is not maintainable. However, the trial court will frame a distinct issue on the question of sufficiency of the court fee and decide the same while finally deciding the case. The impugned order shall not be construed as a final expression of opinion on the merits of the case.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

10.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE