

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

113

CR-7622 of 2019

Date of Order: 29.04.2022

Panmeshari @ Parmeshwari

..Petitioner

Versus

Smt. Santosh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S.Rana, Advocate, for the petitioner.
Ms. Neha Rana, Advocate, for the respondents.

ANIL KSHETARPAL, J(Oral)

While assailing the correctness of the order passed on 02.11.2019, the petitioner has filed the present revision petition.

The learned court has directed the petitioner to pay requisite court fee within a period of one month.

The learned counsel representing the petitioner contends that as per the order passed by the trial Court, the plaintiff is required to pay Court fee on the relief of possession. He submits that the suit property is an agricultural land.

As per amendment in the Court Fee by the Haryana Act no.11 and 22 of 1974, qua the relief of possession, the court fee is to be deposited as per the deemed valuation and not as per market value. He has drawn the attention of the Court to the amended provisions of Court Fees Act, 1870 as applicable in the State of Haryana, which are extracted as under:-

(a) Where the subject-matter is land other than land situated within municipal limits or Abadi Deh whether under cultivation or not, according to the market value thereof which shall be deemed to be,-

(i) in the case of land which is irrigated by perennial canal, sixty rupees per acre;-

(ii) in the case of land which is irrigated by non-perennial canal or by well, fifty rupees per acre; and

(iii) in the case of land which is Barani, Sailab, Bhud, Thur Sem, Banjar or of like nature, thirty rupees per acre; and

(b) Whether the subject-matter is house, garden, or land situated within municipal limits or Abadi Deh whether under cultivation or not, according to its market value.”

The learned counsel further submits that the court fee has already been deposited as per the aforesaid amendment.

Per contra, the learned counsel representing the respondents submits that the petitioner is required to deposit ad valorem court fee as per Section 7(iv)(c). Clause 7 of sub-section (iv) provides for the payment of court fee for a suit for grant of declaratory decree and consequential relief. Such provision does not in itself provide that the ad valorem court fee is payable on the market value of the land.

In view thereof, the revision petition is disposed of with the observation that the petitioner shall be required to deposit the court fee in accordance with the court Fees Act, 1870, as amended by State of Haryana.

Disposed of accordingly.

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

April 29, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No