

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

116

CR-304-2023

Date of decision : 19.01.2023

Kissan Tractor

... Petitioner

Versus

Aslam and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Diwan S. Adlakha, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 17.11.2022 whereby the trial Court has directed the plaintiffs/respondents to affix the Court fee on the market value of the suit property considering it as residential as per the collector rate for the year 2015-16.

Learned counsel for the petitioner submits that the suit land is commercial in nature and the plaintiffs ought to have affixed the Court fee at the rate applicable for commercial property.

Heard.

The respondents/plaintiffs had filed a suit for permanent injunction restraining the petitioners/defendants from interfering in exclusive possession over the land in dispute. The suit land has been described as part of the revenue estate of Mamida, Tehsil Jagadhri, District Yamunanagar and revenue entries in the Jamabandi for the years 1955-56 and 1962-63 have been relied upon.

The trial Court while deciding the application under Order 7 Rule 11 CPC has recorded that in the revenue record, the nature of the suit property has been mentioned as *abadi*. The plaintiffs/respondents has also relied upon the sale deeds of 2016 and in all of these deeds, the plots have been mentioned as residential.

This Court in the case of **Surinder Singh versus Amandeep Singh and another**, bearing Civil Revision No.1459 of 2018, decided on 20.12.2022, has held that while deciding an application under Order 7 Rule 11 CPC, only the contents of the plaint or the documents annexed therewith are to be considered.

In view of the above especially when there is no cogent material at this stage to indicate that the entire property is commercial, I do not find any infirmity in the order of the trial Court directing the plaintiffs to affix the Court fee at the rate of residential property for the time being and if the property is found to be commercial then the Court fee would be ordered to be paid accordingly.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 19, 2023
sonia gugnani

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