

2023:PHHC:066676

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No. 3617 of 2017 (O&M)

Date of decision : 9.5.2023

...

Malook Singh and others

.....Petitioners

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Karan Jindal, Assistant Advocate General,
Haryana.

...

H. S. Madaan, J. (Oral)

Feeling aggrieved by the order dated 2.5.2017 (Annexure P-6) vide which while disposing of an application under Order 7 Rule 11 CPC, filed by the defendants in the pending civil suit titled 'Joga Singh etc. vs. State of Haryana etc.', the trial Court of Additional Civil Judge (Senior Division), Karnal, has directed the plaintiffs to affix ad volerum court fee on the market value of the suit land as per the Collector rate at the time of filing of the suit, for the reason that the plaintiff has challenged the sale deeds executed in favour of defendants No. 9 to 11 by father of defendants No. 6 to 8 and has sought the relief of possession in the form of mandatory injunction claiming themselves to be owners of the land, which has allegedly

been transferred fraudulently in favour of defendants No. 9 to 11. This order left the plaintiffs aggrieved and they have filed the present revision petition before this Court, notice of which was given to the respondents.

I have heard learned counsel for the plaintiffs - petitioners, besides going through the record.

It is stated by learned counsel for the revision petitioners that proceedings before the trial court are almost at the fag end and as much as the case is fixed for rebuttal and arguments, though on account of order passed by this Court, staying the operation of the impugned order, the civil suit has not been disposed of so far.

After considering the submissions made by learned counsel for the petitioners and going through the record, the revision petition is disposed of with a direction to the trial Court to decide the civil suit on merits. If on the basis of evidence adduced by the parties and other facts and circumstances, the trial Court comes to the conclusion that the court fee affixed by the plaintiffs on the plaint is deficient, then they may be directed to make up the deficiency, while passing the final order.

Disposed of accordingly.

9.5.2023
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No