

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CR-1933-2020 (O&M)
Date of Order: 24.07.2023

INDERJIT SINGH AND ANOTHER

.Petitioners

Versus

SATINDERJIT CHINNA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Sodhi, Advocate, for the petitioners.
Ms. Isha Goyal, Advocate, for
Mr. R.P.Saini, Advocate, for the respondent.

ANIL KSHETARPAL, J

1. The dispute is with regard to the correctness of the court fee paid by the plaintiff while filing a suit for grant of decree of declaration to the extent of her share. She also prayed for a decree of joint possession of a house.
2. The learned counsel representing the petitioners submits that a decree for joint possession is, in substance, a suit for possession. However, he failed to draw the attention of the court to any specific provision of the Court Fees Act, 1870 with regard to the decree for joint possession. In any case, such issue can always be decided by the trial court after framing the proper issue and granting an opportunity to the parties to lead evidence.
3. In view of the aforesaid facts, the revision petition is disposed of with a request to the trial court to frame a distinct issue and decide the same while deciding the main suit independently without being influenced by the observations made in the impugned order.

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

July 24, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO