

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3121 of 2019 (O&M)

Date of Order:19.09.2023

Geeta Devi

.Petitioner

Versus

Amandeep alias Amandeep Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aman Gautam, Advocate, for
Mr. Anurag Gupta, Advocate
for the petitioner.

Mr. M.S.Dalal, Advocate
for respondent no.1 and 4.

ANIL KSHETARPAL, J

1. The petitioner herein is defendant no.3 in a suit filed by the plaintiffs (respondents herein) for grant of decree of declaration, joint possession and consequential relief of permanent injunction.

2. In fact, the plaintiffs have sought a decree of declaration that no Will has been executed and the sale deed executed on 27.06.2014 is not binding on their rights.

3. The application filed under Order VII Rule 11 CPC to reject the plaint on the ground that the plaint is not sufficiently stamped, the court has been dismissed the same by the Court.

4. The correctness of the aforesaid order has been challenged in this revision petition.

5. The learned counsel representing the petitioner contends that for seeking the relief of joint possession, the ad-valorem court fee is payable.

He relies upon the judgment passed in **Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, AIR 2010 SC, 2807.**

6. This court has considered the submissions of the learned counsel representing the petitioner.

7. In the aforesaid case, the court laid down that if the plaintiff himself is an executant prays for its annulment, the ad-valorem court fee is payable. Moreover, it has also been held that if the relief of possession has been sought then the court fee has to be paid. The plaintiffs are not the executants of the sale deed dated 27.06.2014. In a suit for decree of joint possession, they cannot be delivered the actual physical possession. Hence, the aforesaid judgment is not applicable.

8. Consequently, finding no merit, the revision petition is dismissed.

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

September 19, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO