

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 2299 of 2020****Date of Decision: 17.10.2023**

Sadhu Ram alias Shiv Verma and Others

... Petitioner(s)

Versus

Santosh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Yagsimant Attri, Advocate
for the petitioner(s).Mr. Sanjiv Kumar Aggarwal and Mr. Ojas Bansal,
Advocates, for the respondent No.1 to 12.**Anil Kshetarpal, J.**

1. In the present revision petition, the petitioners, who are the defendant No.1, 2, 4, 6 and 7, pray for setting aside the order dated 31.07.2020, passed by the trial Court while dismissing their application under Order VII Rule 11 of the Code of Civil Procedure, 1908. The prayer for rejection of the plaint has been made by the defendants on the ground that the plaintiffs have failed to pay the *ad valorem* court fee on the sale deeds which are the subject matter of challenge in the suit.

2. Admittedly, the plaintiffs are not the executants of the aforesaid sale deeds. Hence, they are not required to file a suit for annulment/cancellation of the aforesaid sale deeds. The plaintiffs can maintain a suit for the grant of decree of declaration that such sale deeds do not affect their rights. In view of the judgment passed in *Suhrid Singh alias*

Civil Revision No. 2299 of 2020

Court has correctly held that at this stage, it will not be appropriate to reject the plaint on the ground that the proper court fee has not been affixed. Moreover, the revision petition has been filed on behalf of the petitioners is not maintainable in view of the judgment rendered in *Sri Rathnavarmaraja v. Smt. Vimla 1961 AIR (Supreme Court) 1299*.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

October 17, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No