

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-4090-2023
Date of Decision: 24.7.2023

Raj Kumar Singh

....Petitioner

VERSUS

Jitender Singh and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Shamsher Singh Tomar, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

This civil revision petition has been filed by the petitioner/plaintiff against order dated 26.4.2023 (Annexure P-5) passed by the Court of Civil Judge, Junior Division, Karnal whereby the application filed by the respondents under Order 7 Rule 11 CPC for rejection of the plaint was allowed and the plaintiff has been directed to pay ad-valorem Court fee on the consideration amount of impugned sale deed within the stipulated period, failing which, the plaint shall be rejected in a civil suit titled Raj Kumar Singh v. Jitender Singh and another.

2. Counsel for the petitioner submits that the petitioner required ₹ 10 lakh in order to send his son to foreign country and he approached respondent No.1 to borrow the said amount on interest. On this, the respondents asked him to give some security of land to secure the said loan and respondents No.1 asked the petitioner to mortgage his land with him for that purpose. Then, respondent No.1 took the petitioner to the office of Sub-Registrar, Nilo-Kheri for purpose of execution of mortgage deed and took

signatures of the petitioner on certain documents on the pretext that they are documents of mortgage deed only; that later on, the petitioner came to know that the respondents committed fraud with him and under the garb of mortgage deed, they got procured one sale deed with regard to the land in question purported to be executed by the petitioner in favour of respondent No.2; that in order to challenge the said registered documents, the petitioner has filed civil suit wherein the learned trial Court passed impugned order directing the petitioner to pay ad-valorem Court fee.

3. Counsel for the petitioner further submits that the document in question is not a sale deed and further, possession of the suit property is with the petitioner and the petitioner is seeking declaration that the registered document in question is illegal, null and void with consequential relief of permanent injunction and that the appropriate court fee has already been affixed. He further submits that the impugned order deserves to be set aside.

4. I have considered the submissions made by the counsel for the petitioner.

5. In the plaint, the petitioner took plea that he never executed registered sale deed in question dated 11.2.2020 and rather, he executed mortgage deed regarding his property with the respondents to secure loan of ₹ 10 lakh and further, the said sale deed is result of fraud.

6. From the perusal of plaint (Annexure P-1), it is evident that the petitioner filed suit for declaration to the effect that the sale deed dated 11.2.2020 and mutation No.2989 entered and sanctioned on the basis of the above said sale deed in name of respondent No.2 regarding suit land measuring 12K-0M are illegal, null and void and liable to be set aside and

not binding upon the plaintiff with consequential relief of permanent injunction.

7. Admittedly, the sale deed in question is stated to be executed by the petitioner and thus, he is executant of the same and the petitioner now wanted the said sale deed to be annulled being result of fraud. So, the learned trial Court while placing reliance on judgment passed by Hon'ble Supreme Court in **Suhrid Singh @ Sardool Singh v. Randhir Singh and others** 2010 AIR (SC) 2807 rightly held that the petitioner has to pay ad-valorem Court fee on the consideration stated in the sale deed in question.

8. In light of above, this Court is of the view that there is no illegality in the impugned order and consequently, the present revision petition is dismissed being devoid of merits.

(KARAMJIT SINGH)
JUDGE

July 24, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No