

2023:PHHC:129868

**130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-5058-2019 (O&M)
Date of decision: 06.10.2023

Sher Singh and another

...Petitioners

Versus

Rameshwar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Chirag Wadhwa, Advocate for the petitioners

Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. A suit for possession of a 'Bara' measuring 3 marlas located in Village Kalheri is pending before the trial court. Vide order dated 19.07.2019, the court directed the plaintiff to deposit the ad valorem court fee on the Collector's rate of the suit property i.e Rs.99,825/-. This revision petition has been preferred by the defendants to assail the correctness of such order.

2. Learned counsel representing the petitioners contends that the amount of ad valorem court fee is payable on the market value and not on the Collector's rate.

3. This Court has considered the submissions made by the learned counsel representing the parties. The trial court has proceeded to frame issues and permitted the parties to lead evidence before deciding the market rate, however, the inquiry at this stage is

only to determine the tentative market value leaving the question of final decision open to be decided while giving opportunity to the parties to lead evidence alongwith the suit. The deficiency, if any, found in the payment of the court fee can be made good even at the stage of final decision.

4. Keeping in view the aforesaid facts, it would be in the interest of justice if the trial court is requested to proceed with the main case after framing an additional issue, if already not framed in the main suit with regard to the market value of the property. The impugned decision of the court shall not be construed as the final expression on the merits of the case with regard to the market value of the property. Ultimately, if the court finds that the plaintiff is required to make good the deficiency in the court fee, the same will be permitted to be made in accordance with law.

5. With these observations, the revision petition is disposed of.

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

06.10.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE