

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7786 of 2019

Date of Decision: 14.11.2023

Puran Singh

... Petitioner(s)

Versus

Jatinder Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rakesh Chopra, Advocate
for the petitioner(s).

Mr. Vikas Arora, Assistant Advocate General,
Punjab, for the respondent No.6 and 7.

Anil Kshetarpal, J.

1. The petitioner assails the correctness of the order passed by the trial Court on 09.04.2019 whereby he has been directed to deposit *ad valorem* court fee on the amount of sale consideration.

2. Heard the learned counsel representing the petitioner at length and with his able assistance, perused the paper-book.

3. The trial Court has found that the petitioner has executed two sale deeds on 07.08.2000 through his attorney-defendant No.2. Now, the plaintiff (petitioner herein) prays for annulment of the aforesaid sale deeds apart from challenging the correctness of the power of attorney executed in favour of defendant No.2. The trial Court, while relying upon the judgment passed by the Supreme Court in ***Suhrid Singh alias Sardool Singh v. Randhir Singh and Others (2010)12 SCC 112***, directed the plaintiff to deposit *ad valorem* court fee on the amount of sale consideration.

4. The learned counsel representing the petitioner contends that in view of the law laid down in ***Balwinder Singh v. Tehal Singh and Others (Civil Revision No. 4155 of 2015, decided on 10.05.2016)***, the petitioner is

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not liable to pay *ad valorem* court fee as he is also challenging the general power of attorney.

5. This Court has carefully read the judgment passed in ***Balwinder Singh's case (supra)***. In that case, the plaintiff filed a suit for the grant of decree of declaration that he is the co-owner in possession of the property and the general power of attorney dated 20.06.2003 is forged and fabricated. There was no further sale deed executed by the general power of attorney holder.

6. In fact, the petitioner is executant of the instrument though his general power of attorney, which is also a registered document. Once the general power of attorney on behalf of the petitioner has executed the sale deeds and the petitioner prays for annulment of the general power of attorney as well as both the sale deeds, he is required to pay *ad valorem* court fee. This aspect has been explained in ***Suhrid Singh alias Sardool Singh's case (supra)*** as well as the Full Bench of this Court in ***Niranjan Kaur v. Nirbigan Kaur 1982 PLR 427***. In fact, such suits are governed by Section 31 of the Specific Relief Act, 1963 (hereinafter referred to as "the 1963 Act") and not by Section 34 of the Act *ibid*.

7. Keeping in view the aforesaid facts, no ground is made out to interfere with the order passed by the trial Court. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

November 14, 2023

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No