

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****207****CR-1917-2017 (O&M)****Date of Decision : 04.12.2024**

M/s Omaxe Housing and Development Limited

....Petitioner

VERSUS

Hari Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Keshav Pratap Singh, Advocate for the petitioner.

None for respondent Nos.1 to 4.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed challenging the order dated 16.11.2016 whereby the application filed by the petitioner herein under Order VII Rule 11 of the Code of Civil Procedure, 1908 for rejection of the plaint on the ground of deficient court fee has been dismissed.

2. Notice of motion was issued in the present case. Respondent Nos.1 to 4 have chosen not to put in appearance, despite service.

3. Learned counsel for the petitioner states that in an identical matter pertaining to the same petitioner, the question arose as to whether *ad valorem* court fee would be payable in a suit filed by the respondent therein challenging the sale deed and the power of attorney on the basis of which the sale deed was made. Hon'ble Supreme Court in the case of **M/s Omax Construction Ltd. (now known as M/s Omaxe Ltd.) vs. Dharam Singh &**

Ors. [Civil Appeal No.8880 of 2015 decided on 26.10.2015] held that the *ad valorem* court fee would be payable.

4. In the present case also the plaintiff-respondent Nos.1 to 4 have challenged the sale deed dated 28.03.2006 and the general power of attorney dated 13.12.2005 on the basis of which the sale deed was done, as was the case in the case of **M/s Omax Construction Ltd. (now known as M/s Omaxe Ltd.) vs. Dharam Singh & Ors. (supra)**. The said judgment would be applicable on all fours.

5. In view thereof, the present revision petition is disposed off in terms of the judgment in the case of **M/s Omax Construction Ltd. (now known as M/s Omaxe Ltd.) vs. Dharam Singh & Ors. (supra)**. Consequently, the application filed by the petitioner herein under Order VII Rule 11 CPC is allowed. The plaintiff-respondent Nos.1 to 4 would be liable for payment of *ad valorem* court fee in accordance with Section 7(iv)(c) of the Court Fees Act, 1870 and are granted two months' time to pay the requisite court fee. Pending applications, if any, also stand disposed off.

04.12.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO