

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCR No.809 of 2016 (O&M)
Date of Order:05.03.2024

Anju Bala

.Petitioner

Versus

Virender Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akshay Kumar Goel, Advocate
for the petitioner.Mr. Keshav Pratap Singh, Advocate
for respondent nos.2 to 7.Mr. Sudhanshu Makkar, Advocate
for LR's of respondent no.8ANIL KSHETARPAL, JCM-15311-CII-2019

1. For the reasons stated in the application which is supported by an affidavit, the application for bringing on record the legal representatives of deceased late Sh. Ramesh [respondent no.8] mentioned in paragraph 3 of the application, is allowed, subject to all the just exceptions.

2. CM stands disposed of.

3. The office is directed to carry out necessary corrections in the memorandum of parties.

MAIN

4. Admittedly, the petitioner herein is alleged to have executed the sale deed through Sh. Virender Singh, her Power of Attorney. Hence, she is the executant of the sale deed.

5. As per Section 31 of the Specific Relief Act, 1963, she is required to seek annulment/cancellation of the aforesaid sale deed. On such

suit, the *ad valorem* court fee on the amount of sale consideration is required to be paid in view of the judgment passed by the Supreme Court in *Suhrid Singh alias Sardool Singh vs. Randhir Singh and others, (2010) 12 SCC 112* and *Niranjan Kaur vs Nirbigan Kaur, AIR, 1981 P&H 368*.

6. Hence, the revision petition is dismissed.
7. However, the petitioner shall have liberty to make good the deficiency in payment of court fee within a period of one month, from today. If the court fee is paid, the court will draw the decree because during the pendency of the revision petition the judgment in the main suit has already been pronounced, however, no decree was drawn.
8. All the pending miscellaneous applications, if any, are also disposed of.

March 05, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO