

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

138

2024:PHHC:020892

CR-649-2024 (O&M)
Date of decision: 14.02.2024

MAHENDER

..Petitioner

Versus

KANTA AND ANOTHER

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vinay Singh Rathee, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The dispute in the present case is with regard to the liability of the plaintiff to pay *ad valorem* Court fee on the amount of sale consideration. He has filed a suit for grant of decree of declaration that the sale deed executed by him is result of fraud and misrepresentation. The trial Court has directed him to affix *ad valorem* Court fee in view of the judgment passed by the Supreme Court in **Suhrid Singh alias Sardool Singh v. Randhir Singh and others, (2010) 12 SCC 112.**

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. The learned counsel representing the petitioner contends that the thumb impression on the sale deed were taken by misrepresentation and he is in possession. He submits that contents and correctness of the document was also changed.

4. This Court has considered the submissions of the learned counsel representing the petitioner.

5. In fact, a Full Bench of this Court in **Niranjan Kaur v. Nirbigan Kaur 1982 PLR 127**, examined the liability of the plaintiff to pay

ad valorem Court fee, if he is executant. It was held that the executant is required to seek annulment of the sale deed as provided under Section 31 of the Specific Relief Act, 1963. Hence, *ad valorem* Court fee is payable. The same conclusion was drawn by the Supreme Court in *Suhrid Singh alias Sardool Singh's case (supra)*.

- 6. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 7. Dismissed accordingly.
- 8. All the pending miscellaneous applications, if any, are also disposed of.

February 14th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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