



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CR-2891-2024

Date of Decision: 22.05.2024

Mool Chand and others

...Petitioners

Versus

Birender @ Billu and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Rajesh Goyal, Advocate, for
Mr. Amardeep Singh Sheoran, Advocate, for the petitioners.

VIKAS SURI, J. (ORAL)

1. Through the instant revision petition, the petitioner-plaintiffs assail order dated 05.04.2024 passed by the Civil Judge (Junior Division), Rewari, whereby the said Court has held the plaintiffs liable to affix Court-fee as per market value of the suit property in terms of Section 7(v)(b) of the Court Fees Act, 1870, as applicable to the State of Haryana.
2. Learned counsel for the petitioners contends that the trial Court having taken a *prima facie* view that the plaintiffs have not affixed the *ad valorem* Court-fee as per the market value of the suit property, then it was under an obligation to also specify such market value. Learned counsel states that the petitioners are ready and willing to abide by the statutory provisions and pay *ad valorem* Court-fee as per the market value, however, the said market value cannot be left to anyone's guesswork and has to be assessed by the Court.



3. At this stage, Mr. Gulshan Nandwani, Advocate, puts in appearance on behalf of respondent Nos.1 and 2 and has filed his Power of Attorney in the Court, which is taken on record. He has brought to the notice of the Court that the petitioners have already filed an application under Section 148 CPC before the trial Court seeking enlargement of time along with an application for assessing the market value, on which amount stamp duty is payable by the petitioners as per the impugned order.

4. Heard learned counsel for the parties.

5. It is not disputed that the petitioners have accepted the impugned order and in terms thereof, have also approached the trial Court for enlargement of time as well as for assessment of the market value of the suit property. In view thereof, the present revision petition has been rendered infructuous and the petitioner cannot be permitted to simultaneously pursue two remedies before different Courts.

6. Learned counsel for the petitioner does not dispute the aforesaid factual aspect.

7. In the light of the above, the present revision petition is disposed of as having been rendered infructuous.

May 22, 2024
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(VIKAS SURI)
JUDGE

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