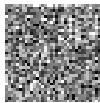


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

2024.PHHC:069018



CR-3010-2024
Date of decision: 16.05.2024

NEELAM MITTAL AND OTHERS ..Petitioners

Versus

NIHARIKA MITTAL ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pushpinder Kaushal, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

1. While dismissing defendants application under Order VII Rule 11 of the Code of Civil Procedure, 1908, the Court has refused to direct the plaintiff to pay *ad valorem* Court fee on the 1/4th share of the property.
2. The correctness of such order is challenged in this revision petition.
3. The learned counsel representing the petitioner submits that the plaintiff has sought relief of partition as well as possession qua 1/4th share, hence, she is liable to deposit the *ad valorem* Court fee.
4. This Court has considered the submissions of the learned counsel representing the petitioner.
5. Every co-owner is deemed to be in possession of every part of the property.
6. In *Rajiv Kumar and others Vs. Rakesh Kumar and others, 2015(4) PLR 191*, the Court held that fixed Court fee is payable in a suit for possession by way of partition in a Joint Family Property.

7. Hence, no ground to interfere is made out.
8. Dismissed accordingly.
9. All the pending miscellaneous applications, if any, are also disposed of.

May 16th, 2024

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No