



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3926 of 2022 (O&M)

Date of Order:08.05.2024

Narinder Iqbal Singh

.Petitioner

Versus

Sarabjit Kaur

..Respondent

CR No.4269 of 2022 (O&M)

Narinder Iqbal Singh

.Petitioner

Versus

Sarabjit Kaur

..Respondent

CR No.4282 of 2022 (O&M)

Narinder Iqbal Singh

.Petitioner

Versus

Sarabjit Kaur

..Respondent

CR No.4281 of 2022 (O&M)

Narinder Iqbal Singh

.Petitioner

Versus

Sarabjit Kaur

..Respondent

CR No.4275 of 2022 (O&M)

Narinder Iqbal Singh

.Petitioner

Versus

Sarabjit Kaur

..Respondent

CR No.4276 of 2022 (O&M)

Narinder Iqbal Singh

.Petitioner

Versus

**Sarabjit Kaur****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Akashdeep Miglani, Advocate
for Mr. Ashish Kumar, Advocate
for the petitioner (in all cases)**

**Mr. Vaibhav Sehgal, Advocate and
Mr. Saurabh Savara, Advocate
for the respondent (in all cases)**

ANIL KSHETARPAL, J

1. The dispute in these six connected revision petitions, is with regard to liability of the plaintiff to pay ad-valorem court fee on the value stated in the registered transfer deeds which are sought to be annulled by filing as many as six suits.

2. Sh. Narinder Iqbal Singh, the petitioner, in all these revision petitions transferred the property in favour of his family members by registered instruments. In all these instruments, the value of the transferred property was specified, however, fixed stamp duty was paid in view of the exemption notification issued by the Government enabling the family members to transfer the property inter-se without payment of stamp duty equivalent to the amount payable on the sale deed. Subsequently, he filed six suits seeking annulment of these transfer deeds on the ground that he was misrepresented.

3. On an application, filed by the defendant, the trial court has directed the plaintiff to pay ad-valorem court fee. The correctness of such identical orders is challenged in these six revision petitions.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

5. After hearing the learned counsel representing the parties on



26.04.2024, the following order was passed:-

“The petitioner herein is the executant of the transfer deed in favour of his son, who subsequently died. He has filed a suit for declaration that the transfer deed is required to be annulled. Learned counsel representing the petitioner contends that in the transfer deed the amount of sale consideration has not been mentioned and transfer was in between the family members, hence, no ad valorem court fee is payable.

This court has considered the submissions made by the learned counsel representing the petitioner.

The attention of the learned counsel representing the petitioner is drawn to Section 7(iv)(c) of the Court Fees Act, 1870. He prays for an adjournment to examine the same, before assisting the Court.

List on 08.05.2024, in the urgent list.

A photocopy of this order be placed on the files of the other connected cases.”

5. Today the matter has again been heard.
6. The learned counsel representing the petitioner submits that the Hon'ble Supreme Court in **Suhrid Singh alias Sardool Singh vs. Randhir Singh and others, (2010) 12 SCC 112** has laid down that the court fee is to be calculated on the amount of consideration specified in the transfer deed. He submits that in this case, the amount of consideration is NIL because the transfer was in between the family members, hence, the trial court has erred in directing the plaintiff to pay ad valorem court fee on the values specified in the document.
7. Per contra, the learned counsel representing the respondent submits that in each of the transfer deeds, the value has been specified and the petitioner is required to pay ad valorem court fee on the aforesaid



amount.

8. This court has considered the submissions of the learned counsel representing the parties.

9. Though, attention of the court has not been drawn to any separate provision for payment of court fee on a suit for cancellation/annulment of an instrument, however, a Full Bench of this court in *Niranjan Kaur vs Nirbigan Kaur, AIR, 1981 P&H 368*, has held that such suit will be governed by Section 7(iv)(c) and Article-1, Schedule-1 of the Court Fees Act, 1870 (hereinafter referred to as 'the 1870 Act')

10. In *Suhrid Singh alias Sardool Singh* (supra), the Supreme Court was examining the liability to pay the ad valorem court fee in the context of a sale deed. In that case, it was found that the plaintiff is not the executant of the document. Hence, the court has held that the ad valorem court fee is not payable on the amount of consideration specified in the instrument because the plaintiff is only required to file the suit for declaration that such sale deed is not binding on his rights. In that judgment itself, the Hon'ble Supreme Court has held that if an instrument is sought to be annulled by the executant then ad valorem court fee on the amount of consideration is required to be paid.

11. Taking clue from the judgment passed by the Hon'ble Full Bench as well as by the Supreme Court, it becomes evident that if a suit for cancellation of document or annulment is filed, the suit will be governed by Article-I, Schedule-I of the 1870 Act, which provides for payment of ad valorem court fee on the value of the subject matter in dispute. The tentative value of the subject matter of the dispute is specified in the instrument itself.



12. Hence, there is no error in the impugned orders of the trial Court. Consequently, all the revision petitions are dismissed.

13. At this stage, the learned counsel representing the petitioner(s) prays that he may be permitted to make good the deficiency in court fee within a period of one month, which is not opposed by the learned counsel representing the respondent.

14. Hence, if the petitioner makes good the deficiency in the Court fee, within a period of one month, from today, the same shall be deemed to have been made good within the prescribed time and the trial court will proceed to decide the case on merits.

15. All the pending miscellaneous applications, if any, are also disposed of.

May 08, 2024

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Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO

(ANIL KSHETARPAL)

JUDGE