



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

132

CR-6474-2024 (O&M)

Date of Decision : 07.11.2024

Murti Thakur Dwara, Kasba Kaithal Behatmam PhoolPetitioners
Dass Chela Lachman Dass Chela Pritam Dass and Others

VERSUS

Ram Dass @ Ramwas and OthersRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rakesh Gupta, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 23.07.2024 whereby the application filed by the respondents under Order VII Rule 11 of the Code of Civil Procedure, 1908 for directing the petitioners herein to pay the *ad valorem* court fee on the suit property has been allowed.

2. Learned counsel for the petitioners would contend that the petitioners are worshipers and are challenging the mutation wrongly entered in favour of the defendant-respondents and hence the *ad valorem* court fee would not be payable.

3. Heard.

4. In the present case the prayer in the suit itself is for possession of the suit property. It is a settled proposition of law that if a non-executant, who is not in possession, seeks not only a declaration but also consequential relief of possession, he would have to pay the *ad valorem* court fee.

5. In view of the above, no fault can be found with the impugned order passed by the Trial Court. The present revision petition being devoid of any merits is accordingly dismissed. Pending applications, if any, also stand disposed off.

07.11.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO