

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2025:PHHC:100420



(261)

CR-2801-2023(O&M)

Date of Decision: 05.08.2025

Davinder Kaur & another

--Petitioners

Versus

Kulwant Kaur

--Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL.

Present:- Mr. Amit Arora, Advocate for the petitioners.

Mr. Gaurav Datta, Advocate for the respondent.

VIKAS BAHL.J (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 10.02.2023 (Annexure P-6) passed by learned Civil Judge (Jr. Divn.), Tarn Taran vide which the application filed by the petitioners under Order 7 Rule 11 of CPC for rejection of plaint due to insufficient court fee, was dismissed.

2. On 05.05.2023, a Coordinate Bench of this Court passed the following order:-

“Learned counsel by relying on the decision of this Court in Jaswinder Singh vs. Om Parkash Law Finder Doc Id #605760 and Ram Kumar vs. Sandeep and another Law Finder Doc ID #713014, contends that the petitioners being the executants of the sale deed, on a suit for setting aside the said sale deed, ad valorem court fee is payable in terms of the decision of Hon’ble Supreme Court in Suhrid Singh alias Sardool Singh vs. Randhir Singh and others 2010 (2) RCR

(Civil) 564, therefore, the dismissal of the application under Order 7 Rule 11 CPC, for rejection of the plaint on account of non-affixation of ad valorem court fee, is legally unsustainable.

Notice of motion for 19.05.2023.

Notice regarding stay.

Liberty to effect service on the respondent through counsel representing her before the learned trial Court.”

3. Learned counsel for the petitioners has reiterated the fact that the plaintiff was executant of the sale deed dated 19.04.2021 and thus was necessarily required to pay the ad valorem court fee.

4. Learned counsel for the respondent could not dispute the fact that she was a party to the sale deed and has prayed that in case the Court makes the present respondent deposit the ad valorem court fee, then, adequate time may be granted.

5. It is a matter of settled law that if the plaintiff is challenging the sale deed of which he is an executant, then he is required to affix ad valorem court fee. It is not in dispute that in the present case, the plaintiff is a party to the sale deed dated 19.04.2021, which is sought to be challenged in the suit. In the impugned order, the reasons given in para 5 are unsustainable as the issue has not even been considered and it has only been stated that the matter is at the initial stage and evidence has to be led.

6. Keeping in view the above said facts and circumstances, the impugned order is liable to be set aside. However, keeping in view the fair stand taken on behalf of the respondent, this Court is inclined to give two months time to the respondent to pay the ad valorem court fee on the sale consideration.

7. In view of the facts and circumstances noticed herein above, the present petition is allowed. The impugned order dated 10.02.2023 is set

aside. The respondent is granted two months time to deposit the ad valorem court fee on the sale consideration, in accordance with law.

8. Pending application(s), if any, shall also stand disposed of.

(VIKAS BAHL)
JUDGE

05.08.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No