

**247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025.PHHC.108344



**CR-2854-2022 (O&M)
DATE OF DECISION : 19.08.2025**

**CHANDER KUMAR AND ANOTHER ... PETITIONERS
V/S
DARSHANA DEVI AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Mani Ram Verma, Advocate for the petitioners.

Mr. Sanjiv Gupta, Advocate for respondent No.1.

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PARMOD GOYAL, J. (ORAL)

Present is a case where plaintiff has challenged the impugned order dated 26.05.2022 (Annexure P-4) whereby an application under Order 7 Rule 11 CPC preferred by defendant-respondent no.1 has been allowed and petitioner-plaintiff was directed to pay *ad valorem* court fee on the sale consideration of the sale deed dated 06.03.2014.

2. Learned counsel for the petitioner has argued that petitioners-plaintiffs have challenged sale deed dated 06.03.2014 and 30.10.2015 respectively allegedly executed by one Surinder Kumar s/o Tara Chand for himself as well as General Power of Attorney on behalf of Arti Krishna d/o Tara Chand and Chand Ram s/o Khube Ram. It is asserted that it is the case of petitioners-plaintiffs that Tara Chand had no son by the name of Surinder and Chand Ram could not have executed any General Power of Attorney as he died in year 1993 and was wrongly shown to be alive at the time of execution of General Power of Attorney as well as on the date of execution

of both the sale deeds. It is argued that plaintiff no.2 i.e. Arti Krishna who has been shown to be daughter of Tara Chand has never executed any Power of Attorney in favour of Surinder who is a non-existent person and therefore, neither plaintiff no.1 Chander Kumar nor plaintiff no.2 Arti Krishna were parties to the sale deeds which was result of impersonation. It is asserted that the learned trial Court has erred in directing payment of Court fee since petitioners-plaintiffs are claiming declaration that they are owners in possession of suit land and the alleged sale deed which is result of impersonation have got no effect on their rights.

3. Learned counsel for the respondent, however, has supported the impugned order dated 26.05.2022 (Annexure P-4) on the ground that the sale deed was executed by General Power of Attorney of Arti i.e. plaintiff no.2 and therefore, plaintiff no.2 cannot assert that she was not party to the sale deed since sale deed was executed through Power of Attorney and Arti being Principal is bound by acts of her Power of Attorney. Therefore, she has to be considered to be party to the sale deed.

4. On consideration, I find merit in the contentions raised by learned counsel for the plaintiff-petitioner. Admittedly, Plaintiffs-petitioners are claiming themselves to be owners in possession on the basis of inheritance through Tara Chand. They are challenging the sale deed on the ground of impersonation, fraud and claimed that no Power of Attorney was ever executed.

5. In these circumstances, when sale deed is being challenged and stated to be not executed by plaintiffs, the plaintiffs cannot be forced to pay Court fee at this stage. However, it is clarified that in case the learned

Court of First Instance comes to the conclusion that sale deed was executed through valid Power of Attorney executed by plaintiff no.2 in said case, plaintiffs shall be liable to pay the Court fee accordingly.

6. Revision petition is allowed in the above terms.

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

19.08.2025

Janki

(PARMOD GOYAL)
JUDGE

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