



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

(119)

CR-5560-2025 (O&M)
Date of Decision:-**27.10.2025**

VIJAYPAL

... Petitioner

Versus

MAMTA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Roopak Bansal, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

The petitioner has invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, assailing the order dated 15.07.2025 (Annexure P-4), whereby the learned trial Court has allowed the application filed by the respondent-defendant under Order VII Rule 11 of the Code of Civil Procedure, 1908 ("CPC" for short), and has consequently directed the petitioner-plaintiff to affix ad-valorem court fee on the sale consideration mentioned in the impugned sale deed.

2. The impugned order has been assailed on the ground that the suit property being agricultural land, the valuation for the purposes of court fee is governed by Section 7(iv) of the Court Fees Act, 1870, as applicable to the State of Haryana. Accordingly, the maximum court fee payable is ten times the annual land revenue, and not ad-valorem on the sale consideration mentioned in the impugned sale deed. In support of this contention, learned



counsel for the petitioner has relied upon the judgment of this Court in ‘**Sonu v. Mrs. Usha Devi and Another, 2024(1) RCR (Civil) 647**’, wherein a Co-ordinate Bench held that in respect of agricultural land, court fee is payable on the basis of ten times the land revenue, and not on the market value or the sale consideration of the property.

2.1. In the cited case, the sale transaction had failed and the cheque issued towards payment of the sale consideration was dishonoured. In contrast, in the present case, the petitioner has challenged the sale deed on the grounds of fraud and misrepresentation, alleging that his signatures were obtained on blank papers at the time of advancement of a loan of ₹2,00,000/-, and that he never appeared before the Sub-Registrar for execution or registration of the impugned sale deed.

2.2. Furthermore, regarding the valuation of the suit for the purpose of court fee, the petitioner-plaintiff has specifically averred in paragraph No. 8 of the plaint as under:-

“8. That the value of the suit for the purposes of court fee and jurisdiction is assessed Rs.200/-, over which a court fee of Rs. 50/- has been affixed and paid alongwith the plaint.”

4. In the present case, the petitioner has not, at any stage, pleaded that the court fee is liable to be computed on the basis of the land revenue assessed or payable in respect of the suit property. Instead, the petitioner has affixed court fee treating the suit as one seeking a mere declaration. However, the nature of the pleadings and the relief claimed clearly bring the case within the ambit of the principle enunciated by the Hon’ble Supreme Court in **Suhrid Singh @ Sardool Singh v. Randhir Singh & Others,**



2010(2) RCR (Civil) 564. In the said authoritative pronouncement, the Apex Court categorically held that where an executant of a sale deed seeks its cancellation, ad-valorem court fee is payable on the consideration mentioned in the document, whereas a non-executant seeking only declaratory relief is required to pay a fixed court fee. The relevant extract from the aforesaid judgment is reproduced here-in-below:-

7. *In this case, there is no prayer for cancellation of the sale deeds. The prayer is for a declaration that the deeds do not bind the co-parcenery" and for joint possession. The plaintiff in the suit was not the executant of the sale deeds. Therefore, the Court fee was computable under Section 7(iv)(c) of the Act. The trial Court and the High Court were therefore, not justified in holding that the effect of the prayer was to seek cancellation of the sale deeds or that therefore, Court fee had to be paid on the sale consideration mentioned in the sale deeds."*

In view of the said example given an example in para No. 6 of the judgment and the finding recorded in para No. 7, we hold as follows:-

- i) *If the executant of a document wants a deed to be annulled, he is to seek cancellation of the deed and to pay ad valorem Court fee on the consideration stated in the said sale deed.*
- ii) *But if a non-executant seeks annulment of deed i.e. when he is not party to the document, he is to seek a declaration that the deed is invalid, non-est, illegal or that it is not binding upon him. In that eventuality, he is to pay the fixed Court fee as per Article 17(iii) of the Second Schedule of the Act.*
- iii) *But if the non-executant is not in possession and he seeks not only a declaration that the sale deed is invalid, but also*

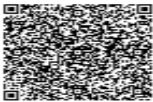


a consequential relief of possession, he is to pay the ad-valorem Court fee as provided under Section 7(iv)(c) of the Act and such valuation in case of immovable property shall not be less than the value of the property as calculated in the manner provided for by Clause (v) of Section 7 of the Act.

In view of the aforesaid judgment of the Hon'ble Supreme Court, the issue leading to payment of the Court fee is decided in terms of the parameters laid down above. The single bench judgments rendered prior to the Supreme Court judgment mentioned above run counter to the aforesaid view and thus overruled. The Reference is answered accordingly. The Single Bench judgments rendered, so far as they run counter to the aforesaid view, are thus overruled."

5. In view of the settled legal position enunciated by the Hon'ble Supreme Court, no illegality, irregularity, or infirmity can be found in the impugned order. The learned Civil Judge has rightly concluded that the petitioner, being the executant of the impugned sale deed, is liable to pay ad-valorem court fee on the sale consideration mentioned therein. The reliance placed by the learned counsel for the petitioner on the judgment cited is clearly misplaced, as the same is distinguishable on facts and does not apply to the circumstances of the present case. Consequently, finding no merit or substance in the present revision petition, the same stands dismissed *in limine*.

6. However, it is made clear that the observations made here-in-above are only for the purpose of adjudicating the present controversy and



shall not be construed as an expression of opinion on the merits of the case pending before the learned trial Court. The trial Court shall proceed to decide the matter independently, strictly in accordance with law and on the basis of the evidence that may be adduced by the parties.

7. Since the main case has been finally adjudicated and stands disposed of by this order, all pending miscellaneous applications, if any, which are ancillary or consequential to the main petition, shall also stand disposed of in the same terms.

27.10.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No