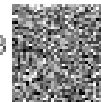


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2025:PHHC:148308



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

**CR-7350-2025
DECIDED ON: 29.10.2025**

**KIRAN RANI ALIAS KIRAN GOYAL AND ANOTHER
.....PETITIONERS**

VERSUS

**SANDEEP KUMAR AND OTHERS
.....RESPONDENTS**

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Vivek Salathia, Advocate
for the petitioners.

MANDEEP PANNU, J (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 01.09.2025 passed by the learned Additional Civil Judge (Senior Division), Barnala, whereby the application filed by the defendants under Order VII Rule 11 CPC for rejection of the plaint was allowed and the plaintiffs were directed to affix ad valorem court fee on the sale amount mentioned in the impugned sale deeds, failing which the plaint shall be liable to be rejected.

2. The petitioners, as plaintiffs, instituted a suit for declaration and permanent injunction, challenging two registered sale deeds, both dated 31.07.2024, one executed by plaintiff No.1 and the other by plaintiff No.2 in favour of the defendants, alleging that the said sale deeds were obtained by

fraud, misrepresentation, and without payment of full sale consideration. The plaintiffs sought a declaration that the sale deeds were null and void and did not convey any right, title or interest in favour of the defendants.

3. The defendants moved an application under Order VII Rule 11 CPC, contending that the plaintiffs themselves being the executants of the sale deeds cannot value the suit on a fixed court fee and that they are bound to pay ad valorem court fee on the sale consideration of the sale deeds challenged. The learned trial Court, after hearing both sides, relying on the judgment of the Hon'ble Supreme Court in '*Suhrid Singh @ Sardool Singh v. Randhir Singh & others*', AIR 2010 SC 2807, held that when an executant challenges the sale deed executed by him, he must pay ad valorem court fee on the sale consideration. The trial Court vide order dated 01.09.2025 directed the plaintiffs to affix the requisite ad valorem court fee on or before 01.10.2025, failing which the plaint shall be rejected.

4. Aggrieved with the impugned order passed by the learned trial Court, the petitioners have approached this Court by way of present revision petition.

5. Learned counsel for the petitioners has assailed the impugned order dated 01.09.2025 primarily on three grounds:

(i) that the learned trial Court failed to appreciate that the sale deeds were obtained by fraud and without actual payment of sale consideration, hence the plaintiffs cannot be treated as true executants;

(ii) that the findings recorded by the trial Court are perverse and contrary to settled principles of law; and

(iii) that the case is one where the application under Order VII Rule 11 CPC ought to have been dismissed outright.

6. I have considered the submissions made by learned counsel for the petitioners and perused the impugned order carefully. The central issue before the trial Court was whether the plaintiffs, being the executants of the sale deeds they seek to set aside, are liable to pay ad valorem court fee on the sale consideration mentioned therein. The learned trial Court answered the question in the affirmative, placing reliance on the ratio laid down by the Hon'ble Supreme Court in *Suhrid Singh @ Sardool Singh's case (supra)*.

7. The legal position is well settled that where a person, who is not a party to a sale deed, seeks to avoid the same, he may pay a fixed court fee under Section 7(iv)(c) of the Court Fees Act, 1870. However, when the executant of the document himself seeks its cancellation, he must pay ad valorem court fee on the value of the property or consideration mentioned in the document. This principle is based on the reasoning that an executant, having executed the document, cannot claim it to be void without first paying the fee on the transaction he himself created.

8. The petitioners' plea that the sale deeds were obtained by fraud or that full consideration was not paid does not alter their status as executants. Even if such allegations are assumed to be true, the remedy remains one for cancellation of the deeds executed by them, which squarely attracts the ad valorem fee provision. The Court Fee Act does not make any distinction between voluntary execution and execution allegedly induced by fraud.

9. The trial Court, therefore, rightly applied the law and did not commit any error in directing the plaintiffs to make good the deficiency in court fee. The direction does not amount to rejection of the plaint but is a procedural step enabling the plaintiffs to comply before the suit proceeds. The order also preserves their right to contest on all merits once the court fee requirement is fulfilled.

10. The findings returned by the learned trial Court are based on a correct appreciation of law and cannot be termed perverse. The plea that the land sold exceeded what was agreed or that consideration was not paid are questions of fact, to be adjudicated in trial proceedings after proper pleadings and evidence. Those contentions do not affect the legal requirement of affixing proper court fee under Section 7 of the Court Fees Act.

11. In the absence of any jurisdictional error, patent illegality, or perversity in the reasoning adopted by the trial Court, there is no ground for interference in the revisional jurisdiction of this Court under Article 227 of the Constitution of India, which is confined to ensuring the legality and propriety of subordinate Court proceedings.

12. In view of the foregoing discussion, this Court finds no merit in the present revision petition. The order dated 01.09.2025 passed by the learned Additional Civil Judge (Senior Division), Barnala, is well reasoned and calls for no interference.

13. Accordingly, the revision petition stands dismissed. The learned trial Court shall proceed further in the suit after affixation of proper ad

valorem court fee by the plaintiffs within the time granted or as may be extended in accordance with law.

14. All pending miscellaneous application(s), if any, stands disposed of.

29.10.2025

Poonam Negi

(MANDEEP PANNU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>