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

**CM-4932-CII-2026 IN/AND
CR-2225-2025 (O&M)**

Date of decision : 13.03.2026

Hardeep Singh and others

...Petitioners

Versus

Baldev Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Harjot Singh Bedi, Advocate
for the applicant/petitioners.

Mr. Saurav Kanojia, Advocate,
for the non-applicant/respondent Nos.1 to 4.

HARPREET KAUR JEEWAN, J. (Oral)

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1. Present application has been filed seeking a direction to the trial Court to adjourn the matter before the date fixed by this Court in the main petition, i.e. 18.03.2026.

2. On joint request, hearing of the main petition is preponed from 18.03.2026 and is taken on Board today itself.

3. CM application stands disposed of.

Main petition

4. Prayer in the present petition is for setting aside the order dated 18.03.2025 (Annexure P-6), whereby, application filed by the petitioner-defendants under Order VII Rule 11 of the Code of Civil



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Procedure, 1908, for directing the respondent-plaintiffs to pay ad valorem fee has been declined.

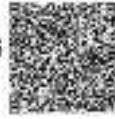
5. Learned counsel for the petitioners submits that ad valorem Court fee is required to be paid by the plaintiffs, since they are seeking separate possession by way of partition.

6. *Per contra*, learned counsel for the respondent-plaintiffs contends that the respondents are co-sharers, as such, owners-in-possession of each and every inch of the property and there is no requirement for payment of Court fee in a suit filed by the plaintiffs.

7. I have heard learned counsel for the parties and perused the paper-book.

8. The suit is still pending before the trial Court. As per the decision of the Hon'ble Apex Court in *Sriratnavaramaraja vs Smt. Vimla 1961 AIR 1299*, the Court Fees Act has been enacted to collect revenue and not to be used as a technical weapon by the defendant for obstructing the progress of the suit by approaching the High Court in its revisional jurisdiction against the order determining and adjudging court fees payable on the plaint. The observations by the Hon'ble Apex Court reads as under:-

“xxxxxxxx The Court-fees Act was enacted to collect revenue for the benefit of the State and not to arm a contesting party with a weapon of defence to obstruct the trial of an action. By recognizing that the defendant was entitled to contest the valuation of the properties in dispute as if it were a matter in issue between him and the plaintiff and by entertaining petitions preferred by the defendant to



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the High Court in exercise of its revisional jurisdiction against the order adjudging court-fee payable on the plaint, all progress in the suit for the trial of the dispute on the merits has been effectively frustrated for nearly five years. We fail to appreciate what grievance the defendant can make by seeking to invoke the revisional jurisdiction of the High Court on the question whether the plaintiff has paid adequate court- fee on his plaint. Whether proper court-fee is paid on a plaint is primarily a question between the plaintiff and the State. How by an order relating to the adequacy of the court-fee paid by the plaintiff, the defendant may feel aggrieved, it is difficult to appreciate. Again, the jurisdiction in revision exercised by the High Court under s.115 of the Code of Civil Procedure is strictly conditioned by cls. (a) to (c) thereof and may be invoked on the ground of refusal to exercise jurisdiction vested in the Subordinate Court or assumption of jurisdiction which the court does not possess on the ground that the court has acted illegally or with material irregularity in the exercise of its jurisdiction. The defendant who may believe and even honestly that proper court-fee has not been paid by the plaintiff has still no right to move the superior court by appeal or in revision against the order adjudging payment of court-fee payable on the plaint xxxxxxxx”.

9. At this stage, learned counsel for both sides are *ad idem* that the present petition be disposed of with a direction to the trial Court to frame a preliminary issue regarding *ad valorem* Court fee, and the same be decided at the time of final adjudication of the matter.

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10. In view of the aforesaid facts & circumstances, present petition is disposed of with a direction to the trial Court accordingly.

11. It is made clear that the observations made by the trial Court vide the impugned order shall have no bearing at the time of decision of the aforesaid issue.

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

13.03.2026
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[HARPREET KAUR JEEWAN]
JUDGE

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