



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

(123)

CR-3250-2026 (O&M)

Date of Decision:12.05.2026

TARSEM SINGH

... Petitioner

Versus

SURESH KUMAR AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Sumit Kumar Chahal, Advocate
for the petitioner.

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VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has preferred this Civil Revision Petition under Article 227 of the Constitution of India, invoking the extraordinary supervisory jurisdiction of this Court to assail the order dated 11.03.2026 rendered by the learned Civil Judge (Junior Division), Kaithal, in Civil Suit No. CS/1781/2024. By way of the impugned order, the learned Court below has dismissed the petitioner's application preferred under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter to be referred as 'CPC' for short), seeking the rejection of the plaint.

2. The brief factual matrix giving rise to the present petition is that defendant No.4 moved an application before the learned Court below contending that the plaintiff had instituted the suit without affixing the requisite court fee upon the plaint and, consequently, the suit was liable to



be treated as undervalued on account of deficiency in Court fee. It was specifically pleaded that the plaintiff was required to affix Court fee in accordance with the prevailing market value of the suit property.

2.1. It is further asserted that the plaint failed to disclose any valid cause of action, inasmuch as the plaintiff had incorrectly described the suit property and had already approached the Superintendent of Police, Kaithal, on the same subject matter, whereupon the police authorities verified the revenue record and found the same to be correct. It was thus contended that the plaintiff was not entitled to challenge the correctness of the revenue entries. The applicant additionally averred that the suit had been instituted on the basis of outdated records solely with a view to misuse the process of the Court and unnecessarily protract the proceedings. It was also pleaded that the plaintiff was neither in possession of the suit property nor existed any residential structure thereupon. On the strength of the aforesaid assertions, a prayer was made for rejection of the plaint on the grounds of non-disclosure of cause of action and non-payment of proper Court fee.

3. Upon notice, the plaintiff/respondent filed a detailed reply controverting the averments made in the application and denying the allegations levelled therein. It was submitted that the question as to whether the plaint disclosed a cause of action or not was a matter to be adjudicated upon during the course of trial and could not be conclusively determined at the preliminary stage. The plaintiff further alleged that the application had been filed merely as a dilatory tactic with the object of



delaying the adjudication of the suit and prolonging the proceedings unnecessarily. Accordingly, dismissal of the application was prayed for.

4. I have considered the submissions made by learned counsel for the petitioner and have perused the paper-book minutely with his able assistance.

5. Learned counsel for the petitioner contended that the impugned order passed by the learned Trial Court suffers from patent illegality and jurisdictional infirmity, inasmuch as the application preferred under Order VII Rule 11 CPC has been rejected without proper appreciation of the pleadings and the statutory bar applicable to the suit. It is submitted that the plaint, even if taken on its face value, does not disclose any genuine or legally enforceable cause of action against the petitioner and has been drafted in a clever and deceptive manner by concealing material facts solely to create an illusion of maintainability.

5.1. It is further contended that the suit is expressly barred under Section 158 of the Punjab Land Revenue Act, as the dispute essentially pertains to the correctness of revenue entries, which fall within the exclusive jurisdiction of the revenue authorities. Learned counsel submits that the respondent–plaintiff had already approached the police authorities regarding the same subject matter and, upon inquiry, the revenue record was found to be correct. Despite such findings, the present suit has been instituted only to harass the petitioner and misuse the process of the Court.

5.2. Learned counsel further argued that the learned Trial Court has erred in law in rejecting the objection regarding deficiency of Court fee. Since the plaintiff seeks to challenge the validity of the sale deed, ad



valorem Court fee on the sale consideration of the impugned instrument was mandatorily required to be affixed. However, the suit has intentionally been undervalued to evade payment of proper court fee.

5.3. It is thus submitted that the learned Trial Court failed to consider the preliminary objections raised by the petitioner in their correct legal perspective and committed material irregularity in dismissing the application. Accordingly, it is prayed that the impugned order be set aside and the present revision petition be allowed.

6. This Court, upon a considered examination of the pleadings and material available on record, finds that the respondent–plaintiff is admittedly not the executant of the impugned sale deeds, nor has he sought any declaration challenging their legality or validity. The suit has merely been instituted for protection of his alleged proprietary rights on the plea that, on the basis of incorrect revenue entries, the vendors executed sale deeds in excess of their lawful share. The learned Trial Court, therefore, rightly concluded that the plaint discloses a valid cause of action requiring adjudication on merits.

6.1. Merely because the respondent–plaintiff had earlier approached the concerned SHO regarding the same subject matter would not operate as a bar to the institution or maintainability of an independent civil suit. The remedy before the police authorities and the remedy before the Civil Court operate in distinct and separate spheres.

6.2. The contention that the suit is barred on account of the police inquiry finding the revenue entries to be correct is wholly misconceived. Findings recorded during a police inquiry neither attain finality nor oust



the jurisdiction of the Civil Court to adjudicate disputed civil and proprietary rights.

6.4. This Court further finds that no specific or substantial objection based upon Section 158 of the Punjab Land Revenue Act had been properly raised in the application before the learned Trial Court. Even otherwise, the present dispute essentially concerns enforcement of civil rights, which cannot be said to be barred by the aforesaid provision.

6.5. The learned Trial Court has rightly relied upon the judgment of the Hon'ble Supreme Court in *Suhrid Singh @ Sardool Singh v. Randhir Singh & Others, (2010) 12 SCC 112* while dismissing the application, wherein it was held that *a person who is not an executant of the impugned sale deed and merely seeks protection of his rights is not required to affix ad valorem Court fee on the consideration amount mentioned in the sale deed*. Consequently, no jurisdictional error, patent illegality, or material irregularity is made out warranting interference by this Court in exercise of its revisional jurisdiction, accordingly petition being devoid of merit is hereby **dismissed**.

7. It is expressly clarified that the observations recorded hereinabove are incidental to the present determination and are not intended to constitute nor shall they be construed as an expression of opinion on the merits of the underlying dispute. Such observations are confined strictly to the limited adjudication of the immediate controversy and are circumscribed by the scope of the specific issue examined within the four corners of this Order. Consequently, nothing contained herein shall operate to prejudice, waive, or otherwise influence the respective



rights, claims, or contentions of any party in any collateral or subsequent proceeding. Furthermore, this Order shall not be deemed a final determination of any substantive question of fact or law pertaining to the principal matter.

8. In light of the fact that the principal matter has reached final adjudication, all pending miscellaneous applications, if any, are hereby rendered infructuous and stand disposed of in tandem with this Order. No further directions or judicial intervention is necessitated in this regard.

12.05.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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