

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

(114)

CR-9481-2025 (O&M)

Date of Decision:-**11.02.2026**

SUBHASH CHANDER

... Petitioner

Versus

DINESH KUMAR AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Ram Kumar Saini, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This civil revision petition has been instituted by the petitioner under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court to assail the order dated 29.08.2025 (Annexure P-5), whereby the learned Trial Court dismissed the application filed by the petitioner under Order VII Rule 11 CPC seeking rejection of the plaint on the ground that the respondent–plaintiff had failed to affix the requisite court fee.

2. The respondent–plaintiff instituted a suit for recovery of a sum of ₹6,25,000/- along with interest, by creation of a charge on the property of the proforma respondent and by seeking a restraint against alienation of the suit land during the pendency of the suit. The suit was founded on the plea that the parties had entered into an agreement to sell, pursuant to which a sum of ₹4,50,000/- was paid, with a further amount agreed to be



paid on 18.10.2018 and the remaining earnest money on 15.11.2018. It was pleaded that the agreement was illegal and unenforceable, and that the petitioner–defendant had no right to alienate the suit property. Court fee was affixed on the claimed amount of ₹6,25,000/-.

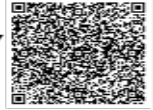
2.1. The petitioner thereafter filed an application under Order VII Rule 11 CPC contending that court fee was liable to be paid on the entire sale consideration of ₹1,29,70,000/-. Upon contest, the learned Trial Court dismissed the said application. Aggrieved thereby, the present revision petition has been preferred.

3. Learned counsel for the petitioner contended that the impugned order is unsustainable, asserting that the learned Civil Judge committed a legal error by disregarding the fact that the total sale consideration under the agreement was ₹1,29,70,000/- and that the entire earnest money had not been paid.

4. I have heard learned counsel for the petitioner and have carefully examined the paper-book as well as the impugned order.

5. This Court finds no illegality or infirmity in the findings recorded by the learned Civil Judge. The application was rightly dismissed, as the requisite court fee on the suit amount had been duly affixed. The learned Civil Judge has correctly relied upon the judgment of the Division Bench of this Court in **Anil Kumar vs. Maninderbir Singh, 2025 (2) RCR (Civil) 240**, wherein it has been held as under:-

"Since vestment of complete title in the vendor takes place only on the execution of the registered deed of conveyance, and, when at the said stage, the remaining sale consideration is also liquidated by the vendee to the vendor, thus, in the presence of the registering officer concerned... therefore, on the plaintiff concerned, instituting a suit for specific performance... is required to be affixing court fees ad valorem to the



entire sale consideration.. However reiteratedly, as stated (supra) the defendant did not do so, wherebys, this Court reiteratedly concludes, that he is estopped to claim... that the plaintiff is ill asserting qua the rendition of a decree for rescinding the agreement to sell... Importantly, when there is no parting of possession of the suit property from the plaintiff to the defendant nor any consequential relief in the said regard became espoused. Resultantly, court fees ad valorem to the asked for forfeited earnest money, but is required to be affixed on the plaint, than court fees ad valorem to the entire sale consideration."

(emphasis supplied)

8. In view of the foregoing discussion, this Court finds no illegality or infirmity in the impugned order. The petition, being devoid of merit, is accordingly **dismissed**.

9. It is, however, clarified that the observations made herein are confined strictly to the adjudication of the present issue and shall not be construed as an expression of opinion on the merits of the underlying dispute. Nothing stated in this order shall prejudice or affect the rights, claims, or contentions of the parties in any other proceedings, nor shall it be treated as a determination of any substantive question of fact or law.

10. Consequently, upon final disposal of the principal matter, all pending miscellaneous applications, if any, also stand disposed of. No further orders are called for.

(VIRINDER AGGARWAL)
JUDGE

11.02.2026
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No