



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-9633-2025 (O&M)
CR-9763-2025 (O&M)
Date of Decision:-19.01.2026

(126) CR-9633-2025

HARNAIK SINGH ... Petitioner

Versus

CHARANJIT SINGH TOOR ... Respondent

(126.1) CR-9763-2025

HARKARAN SINGH ... Petitioner

Versus

SATWANT KAUR AND OTHERS ... Respondents

-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mohd. Yousaf, Advocate,
for the petitioner in both the petitions.

VIRINDER AGGARWAL, J. (Oral)

1. Petitioners, who are brothers, have filed the present petitions under Article 227 of the Constitution of India, where they have assailed the order dated 01.11.2025, whereby the learned Civil Judge has allowed the application of the respondents under Order VII Rule 11 of Code of Civil Procedure (CPC) and has directed the petitioner to pay the requisite court fee on the amount of sale deed. Petitioner(s) have filed a civil suit for grant of declaration that he is co-owner in joint possession of suit property and the sale deed dated 19.02.2013 is forged, fabricated, null and void without any sale consideration and is not binding upon the rights of the plaintiffs and mutation sanctioned on the basis of sale deed is also illegal, null and void and for injunction restraining defendant from alienating, mortgaging



or creating charge and plaintiff affixed the consolidated court fee of Rs. 150 by pleading in Para 9 of the plaint, which is as under:-

“ That the value of the suit for the purposes of court fee and jurisdiction for the relief of declaration is Rs.500/- and for the relief the permanent injunction is Rs.500/- and for the relief of joint possession is Rs. 500/-and a consolidated court fee of Rs.150/- has been affixed on the plaint.”

2. Respondent/defendant appeared and filed an application under Order VII Rule 11 of CPC for rejection of the plaint on the grounds that *ad voleram* Court fee has not been paid on the sale consideration of sale deed under challenge. Vide impugned order the learned Civil Judge allowed the application and directed the petitioner to affix *ad voleram* court fee.

3. Aggrieved by the order so passed, the present revision petition has been filed.

4. Counsel for the petitioner(s) assails the order on the grounds that as per Section 7 of the Court Fee Act, 1870, the value of agricultural land is to be taken to be 10 times of the annual land revenue thereof. As such the order directing the petitioner to pay *ad voleram* court fee on the sale consideration is illegal, null and void and is not sustainable.

5. Now, considering the fact that petitioner has challenged the execution of sale deed purported to be executed by the petitioner in favour of respondent/defendant as illegal, null and void and has filed the suit for cancellation of that sale deed. In view of the law laid down by Hon'ble Apex Court in ***Suhrid Singh @ Sardool Singh versus Randhir Singh, 2010 AIR (SC) 2807***, the learned Civil Judge has rightly concluded that *ad voleram* court fee on the sale consideration of the sale deed is required to be affixed as it was held by Hon'ble Apex Court that where the



the deed and when a non-executant seeks annulment of a deed, he has to seek a declaration that the deed is invalid, or non-est, and once a person is an executant of the deed and seeks cancellation of the deed he is bound in law to pay *ad volerem* court fee on the consideration stated in the sale deed.

6. Learned counsel for the petitioner contended that Court fee was required to be 10 times of the land revenue but civil suits and particularly application under Order VII Rule 11 of CPC is required to be decided on the basis of plaint and as stated earlier in para No.9, petitioner(s) have nowhere pleaded that suit land is agricultural land or that the same is subjected to payment of land revenue or that the Court fee on the amount of 10 times of the land revenue is payable, so, the order passed by learned Civil judge cannot be held to be suffering from any illegality or perversity and does not call for any interference in the revisional jurisdiction, as such, the instant petition is dismissed.

7. As a natural corollary, since the main case stands dismissed, all pending miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them pending.

8. Photocopy of this order be placed on the file of other connected case.

19th January, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No