



In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 344 of 2025 (O&M)

Date of Decision: 07.04.2025

Baljinder Kaur alias Balwinder Kaur

... Petitioner(s)

Versus

Sampuran Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. N.S.Dadwal, Advocate
for the petitioner(s).

Mrs. R.K.Grewal, Advocate
for respondents No.1 to 3.

Anil Kshetarpal, J.

1. On 21.01.2025, the following order was passed:-

“Learned counsel representing the petitioner inter alia contends that for the relief of joint possession, the petitioner who had filed a suit for declaration was not required to pay ad valorem court fee on the value of the property. He submits that the land in dispute is agricultural land and even if the suit is filed for relief of possession, the court fee would be payable depending upon the amount of land revenue.

Notice of motion for 20.02.2025.

In the meantime, operation and effect of the impugned order shall remain stayed.

Learned trial court is directed to continue with the

proceedings.

Liberty is also granted to the petitioner to serve the respondents through their counsel in the trial court.

To be listed in the urgent list.”

2. The learned counsel representing the respondent No.1 does not dispute that the suit property is an agricultural land. The State of Punjab has amended Section 7(v) of the Court Fee Act, 1870, which reads as under:

“Section 7. Computation of fees payable in certain suits -

(i) to iv) XXXX XXXX XXXX XXXX

(v) for possession of lands, houses and gardens- In suits for (the – in HP and Haryana) possession of land, houses and garden – according to the value of the subject-matter, and such value shall be deemed to be -

Punjab, H.P., Delhi & U.T. of Chandigarh, where the subject-matter is land and -

(a) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue, and such revenue is permanently settled-ten times the revenue so payable;

(b) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently-ten times the revenue so payable.”

3. It is evident that if the property is agricultural, the amount of court fee is required to be assessed on the basis of its market value.

4. Accordingly, the present revision petition is allowed and the impugned order is set aside. The Trial Court is directed to reassess the court fee which is payable by the plaintiff.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

April 07, 2025
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No