



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

(117)

CR-6591-2025 (O&M)
Date of Decision:-**24.09.2025**

GIAN SAGAR EDUCATIONAL AND CHARITABLE TRUST AND ANOTHER

... Petitioners

Versus

NARESH KUMAR AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Nandan Jindal, Advocate
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioners, invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, seeks to assail the order dated 18.07.2025 (**Annexure P-1**), whereby the learned Court below has erroneously directed the petitioners to affix ad-valorem court fee on the sale deed in question.

1.1. It is respectfully submitted that the impugned order is legally unsustainable inasmuch as the requisite court fee has already been affixed on the plaint in accordance with law. The subject matter of the suit pertains to Trust property, and the petitioner, being a non-executant to the impugned sale deed, cannot be saddled with the liability to pay ad-valorem court fee. The Hon'ble Supreme Court, in **Surhrid Singh @ Sardool Singh v. Randhi Singh & Others, (2010) 12 SCC 112**, has categorically held that in a suit filed by a non-executant seeking declaration in respect of a sale deed,



the court fee payable is only the fixed declaratory fee, and not the ad-valorem fee.

1.2. In the present case, the petitioners have already paid the appropriate declaratory court fee as mandated by law. Hence, the direction of the Court below to affix ad-valorem court fee is contrary to the settled legal position and deserves to be set aside.

2. The petitioners have instituted a suit for declaration challenging the validity of sale deed No. 5513 dated 27.03.2017, executed by defendant No.2 as the representative of the petitioners-plaintiffs in favour of defendant No. 1, on the ground that the said sale deed was executed without obtaining prior permission of the competent Court. Along with the relief of declaration, the petitioners have also sought consequential reliefs of possession and permanent injunction.

3. Pursuant to an application moved under Order VII Rule 11 CPC for rejection of the plaint, the learned Civil Judge (Junior Division), Rajpura, has, by way of the impugned order, directed the petitioners-plaintiffs to affix ad-valorem court fee, holding that the case falls within the ambit of Section 7(iv)(c) of the Court Fees Act, 1870.

4. Learned counsel for the petitioners submitted that, in accordance with the authoritative pronouncement of the Hon'ble Supreme Court in **Surhrid Singh @ Sardool Singh (supra)**, the liability to pay court fee must be determined solely with reference to the valuation of the relief as specifically claimed in the plaint, and not on the face of the instrument sought to be impugned.

5. I have carefully perused the judgment cited here-in-above and have heard learned counsel for the petitioners at length, with due attention to



the submissions advanced and the legal authorities relied upon in support of the petitioners' contentions.

6. In the cited suit, the plaintiff had sought only a declaration that the sale deeds were not binding upon the co-parceners and relief for joint possession. In contrast, in the present case, the petitioner-plaintiffs, being the executants of the impugned sale deed through their authorized representative, have filed the suit seeking to have the sale deed declared null and void, along with consequential relief of possession of the suit property. Accordingly, the judgment relied upon by the opposite party is clearly distinguishable on facts.

6.1. Since the petitioners have filed the suit for annulment of the sale deed and have also claimed possession of the suit property, payment of ad-valorem Court fee is exigible. Moreover, the petitioners have not appropriately valued the suit for the purpose of court fee. Paragraph No. 11 of the plaint is reproduced hereunder for ready reference:-

“That the value of the subject-matter of the suit for the purposes of court fee and jurisdiction for declaration of Rs.500/- and Suit for Possession is Rs.500/- and for permanent injunction is Rs.130/- and hence a proper court fee stamps are affixed on the plaint”.

7. This clearly demonstrates that the petitioners have not appropriately valued the plaint for the purposes of affixation of court fee in accordance with the provisions of Section 7(iv)(c) of the Court Fees Act, 1870. The learned Civil Judge (Junior Division), Rajpura, in passing the impugned order, has exercised the jurisdiction vested in the Court judiciously and lawfully. There is, therefore, no occasion for interference by this Court, and consequently, the petition is liable to be dismissed.



8. However, the observations made here-in-above shall not be construed as an expression of opinion on the merits of the case and are strictly confined to the limited controversy under consideration in the present proceedings.

9. In view of the adjudication of the main matter, all pending miscellaneous applications, if any, filed in the present proceedings shall stand disposed of in accordance with the observations and directions contained herein.

24.09.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No