

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****131****CR-1969-2025 (O&M)****Date of decision: 09.04.2025****Joginder Singh****...Petitioner(s)****Vs.****Iqbal Singh****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Bhupender Singh, Advocate and  
Mr. Rohit Singh, Advocate for the petitioner.

**\*\*\*****NIDHI GUPTA, J.**

The present civil revision petition under Article 227 of the Constitution of India, has been filed by the plaintiff for setting aside the order dated 16.10.2024 (Annexure P-4) passed by learned Civil Judge (Junior Division), Dasuya, Hoshiarpur; whereby the petitioner/plaintiff has been directed to pay ad valorem court fees; and further prayer for dismissal of the application dated 03.10.2023 (Annexure P-2) filed by the respondent/defendant before learned trial Court.

2. Learned counsel for the petitioner vehemently submits that the impugned order has been wrongly passed, as the petitioner is neither the executant of the Sale Deed, nor he is seeking possession and nor he is seeking cancellation of the Sale Deeds in question. It is contended that it has been incorrectly noted by the learned trial Court in impugned order that petitioner is seeking cancellation of the Sale Deeds and as such, he is



liable to file/pay ad valorem court fee. It is accordingly prayed that the present petition be allowed; and impugned order dated 16.10.2024 (Annexure P-4) be set aside.

3. No other argument is raised on behalf of the petitioner/plaintiff.

4. I have heard learned counsel for the petitioner/plaintiff and perused the case file in great detail.

5. I find no merit in the submissions made on behalf of the petitioner. It is stated in para 5 of the present petition itself that the petitioner has *“filed the present suit for declaration, seeking cancellation of sale deeds, permanent injunction and alternative relief for joint possession.”*

Besides, even a perusal of the plaint (Annexure P-1) shows that petitioner has filed *“Suit for Declaration to the effect that the Sale Deed ..... total measuring 17K-11M, is the result of fraud, misrepresentation, conspiracy, without consideration and is illegal, void ab-initio, ineffective on the rights of the plaintiff and is liable to be cancelled.....”* Further prayer is made for *“Permanent Injunction restraining the defendant from alienating or transferring the land in suit to anyone or denying the right of the plaintiff in the land in suit for all times to come. In the alternative suit for Joint Possession”* (Emphases are mine)

6. From the above facts, it is clear that as per the writing in the present petition; as also in the plaint (Annexure P-1), the petitioner/plaintiff has sought cancellation of Sale Deeds; as also joint possession alternatively.



7. Further, the respondent/defendant had filed the application dated 03.10.2023 (Annexure P-2) seeking a direction for the petitioner to affix ad-valorem court fees. The categorical assertion made by the respondent/defendant in para 2 of the said application (Annexure P-2) is *“That the plaintiff himself executed the sale deeds in favour of the defendant on 24-05-2011 and after around twenty years suit for declaration to challenge the sale deed and for seeking to cancellation the sale deeds. .....*”

8. The petitioner had filed reply dated 25.10.2023 (Annexure P-3) to the said application. Reply of para 2 of the said application is as follows: -

*“In reply to para No.2 it is submitted that defendant is party to the sale deeds and has got executed fraudulently from the plaintiff which are in possession of the defendant.”* (Emphases mine)

9. The petitioner has therefore, also admitted that he is executant of the Sale Deeds.

10. In view of the above facts, case of the petitioner is squarely covered by the judgment of the Hon’ble Supreme Court in ***Suhrid Singh @ Sardool Singh vs. Randhir Singh and others, Law Finder Doc Id # 209047.***

Hence, no ground is made out to interfere in the order dated 16.10.2024 (Annexure P-4). The present civil revision petition is hereby **dismissed**.

11. Pending application, if any, stands disposed of.

**09.04.2025**

Divyanshi

**(NIDHI GUPTA)**

**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No