



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

(124)

CR-7077-2025 (O&M)
Date of Decision:-**01.10.2025**

NEERAJ SEHGAL THROUGH ATTORNEY HOLDER JK PURI

... Petitioner

Versus

PUJA ARORA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Harish Mehla, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The instant civil revision petition, invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, has been preferred by the petitioner to impugn the order dated 28.08.2025 passed by the learned Civil Judge (Junior Division), Chandigarh, whereby the application moved under Order VII Rule 11 of the Code of Civil Procedure, 1908 ('CPC'), seeking rejection of the plaint at the threshold, has been declined.

2. The respondent-plaintiff instituted a suit for declaration, asserting himself to be a co-owner, in equal share with defendant No.1, of the house in dispute, and further claiming joint possession thereof on the strength of a registered Will dated 24.03.2022. He also sought recognition of his entitlement to an equal share in the savings bank accounts and deposits standing in the name of late Major P.N. Sehgal (deceased) or in the name of



his daughter, thereby asserting his right to succeed to the immovable properties fully detailed and described in the plaint. Additionally, a decree of mandatory injunction was prayed for, directing defendant No.7 to effect transfer of 50% share of the said house jointly in favour of the plaintiff and defendant No.1, on the basis of the said registered Will, as well as for issuance of appropriate directions to defendants No.2 to 5 to disclose all savings bank accounts and fixed deposits standing either in the name of late Major P.N. Sehgal or in the name of Smt. Usha Sehgal.

3. The petitioner preferred an application under Order VII Rule 11 CPC seeking rejection of the plaint, primarily on the ground that the suit had not been properly valued for the purposes of jurisdiction and Court fee, and that the mandatory requisite Court fee had not been affixed in accordance with law. The said application, having been contested by the respondent-plaintiff, was adjudicated upon and ultimately declined by the learned Trial Court.

4. Feeling aggrieved by and dissatisfied with the aforesaid order passed by the learned Trial Court, the petitioner has invoked the supervisory jurisdiction of this Court by way of the present civil revision petition, seeking to assail and set aside the impugned order.

5. Learned counsel for the petitioner has assailed the impugned order exclusively on the ground that the suit was not properly valued for the purposes of Court fee and that the plaintiff failed to remit the requisite Court fee in accordance with law. In support of this contention, reliance has been placed upon the decision of the Hon'ble Apex Court in **Kamleshwar Kishore Singh v. Paras Nath Singh and Others, (2002) 1 SCC 304**, wherein, at paragraph No.8, the Hon'ble Apex Court observed as follows:-



“8. It is well settled that the court fee has to be paid on the plaint as framed and not on the plaint as it ought to have been framed unless by astuteness employed in drafting the plaint the plaintiff has attempted at evading payment of court fee or unless there be a provision of law requiring the plaintiff to value the suit and pay the court fee in a manner other than the one adopted by the plaintiff. The court shall begin with an assumption, for the purpose of determining the court fees payable on plaint, that the averments made therein by the plaintiff are correct. Yet, an arbitrary valuation of the suit property having no basis at all for such valuation and made so as to evade payment of court fees and fixed for the purpose of conferring jurisdiction on some court which it does not have, or depriving the court of jurisdiction which it would otherwise have, can also be interfered with by the court. It is the substance of the relief sought for and not the form which will be determinative of the valuation and payment of court fee. The defence taken in the written statement may not be relevant for the purpose of deciding the payment of court fee by the plaintiff. If the plaintiff is ultimately found to have omitted to seek an essential relief which he ought to have prayed for, and without which the relief sought for in the plaint as framed and filed cannot be allowed to him, the plaintiff shall have to suffer the dismissal of the suit. These principles of law were overlooked by the trial court in passing the impugned order which was put in issue before the High Court. We are further of the opinion that though the revision preferred by the plaintiff was directed against the order dated 1-3-1997, the real question arising before the High Court was to find out whether the suit was properly valued and proper court fee was paid thereon in accordance with law. While doing so if the High Court was required to examine the correctness or otherwise of the order dated 17-12-1996 it should not have felt inhibited from doing so. In the facts of the present case we are clearly of the opinion that the High Court was not be



justified in dismissing the revision on the ground that the order dated 1-3-1997 was an order correcting a clerical or typing error only.”

6. Learned counsel for the petitioner further argued that, in a suit for declaration and joint possession, the Court fee must necessarily be affixed ad-valorem, based on the market value of the property in question. In light of this, it is submitted that the impugned order, which dismissed the petitioner’s application, is legally unsustainable and liable to be set aside.

7. It is a settled principle of law that while adjudicating an application under Order VII Rule 11 CPC for rejection of the plaint, the Court’s focus must remain on the case set-forth by the plaintiff in its entirety, and the defenses raised by the defendant cannot be considered at this stage. A perusal of the plaint demonstrates that the respondent-plaintiff seeks a declaration of co-ownership and joint possession of the suit property pursuant to a registered Will executed by his father, Major P.N. Sehgal (since deceased). As averred, Major P.N. Sehgal was the lawful owner in possession of the property and, through the Will, conferred equal shares in the property to the plaintiff and the petitioner.

7.1. It is well-established that succession vests automatically upon the death of a predecessor, and legal heirs become co-sharers in possession by operation of law. In the present case, the respondent-plaintiff, by filing the suit for declaration, seeks merely recognition of his legal rights and does not seek to dispossess the petitioner. The plaint, viewed in its entirety, is properly valued for the purposes of Court fee. Accordingly, the application filed by the petitioner was rightly declined by the Court below. There is no infirmity, illegality, or perversity in the order impugned, and the Court below has



correctly exercised its jurisdiction. In these circumstances, the petition is wholly devoid of merit and is accordingly dismissed.

8. It is made abundantly clear that the observations recorded here-in-above shall not, in any manner, be construed as an expression of opinion on the merits of the case. Such observations are strictly limited to the narrow compass of the controversy under consideration and are to be understood only in the context of the present adjudication.

9. As the main matter has now been finally decided on its merits, all pending miscellaneous applications, if any, which are ancillary or incidental to the proceedings, shall also stand disposed of accordingly, without necessitating any further or separate order.

01.10.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No