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

**CR-4930-2025 (O&M)
Date of Decision: 30.07.2025**

Anoop

.....Petitioner

Vs.

M/s Sriyam Estates (P) Ltd. and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Ms. Vibhuti Narania, Advocate,
for the petitioner.

SUDEEPTI SHARMA J. (ORAL)

1. Challenge in the present petition is to the impugned order dated 09.07.2025 passed by the learned Civil Judge (Junior Division), Gurugram, whereby, the application under Order 7 Rule 11 of the Code of Civil Procedure, 1908, (for short, 'CPC') filed by defendant/respondent No.5 has been partly allowed and the plaintiff/petitioner was directed to pay ad valorem court fee.

2. Learned counsel for the petitioner contends that at the time of filing of the suit, the disputed land was agricultural land and the ad valorem court fee was rightly affixed by the petitioner and vide the impugned order dated 09.07.2025 passed by learned Civil Judge (Junior Division), Gurugram, the petitioner was wrongly directed to pay additional ad valorem court fee. Hence, she prays for setting aside of the said impugned order.



3. I have heard learned counsel for the petitioner and perused the case file with her able assistance.

4. It would be apposite to reproduce relevant portion of the impugned order dated 09.07.2025 passed by the learned Civil Judge (Junior Division), Gurugram, which is reproduced as under:-

“The second ground that has been taken by applicant/defendant No. 5 for rejection of plaint is non-payment of ad valorem court fee. It is pertinent to mention that the present suit was filed in the year 2013. However, by way of subsequent amendment, plaintiff has sought relief for the recovery of possession of the suit property. It is undisputed that the suit property has been developed in the form of Township and Flat Buyers have purchased the real estate development which had taken place by way of licence granted back in the year 2009 and 2014. Meaning thereby, this fact that the land has been developed, is well within the knowledge and notice of plaintiff before the amendment made by the court order. Since, the plaintiff is well aware that the property has been put to non-agriculture use by subsequent construction, court fee will have to be computed, treating it as non-agricultural land. Therefore, this court finds substance in the application in hand and hence, the court fee will have to be filed treating it as non-agricultural land.

Resultantly, the application in hand is partly allowed and plaintiff is directed to pay ad valorem court fee as he is seeking recovery of possession of the suit property. During arguments, Ld. counsel for the plaintiff has relied upon authority i.e. Gurshinder Singh vs. Pal Singh and others, Civil Revision No. 2583 of 2012 dated 02.07.2013, with due regards is not applicable to the facts of the present case.

Now, to come up on 30.07.2025 for payment of ad-valorem court fee on or before the next date of hearing.”

4. A perusal of the above referred to order shows that it is undisputed that the suit property has been developed in the form of



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Township and Flat Buyers have purchased the real estate development, which had taken place by way of license granted way back in the year 2009 and 2014. Therefore, it has rightly been held by learned Civil Judge (Junior Division), Gurugram, that the land has developed and this fact is within the knowledge and notice of the petitioner before amendment made by the Court order. Undisputedly, the property has been put to non-agricultural use by subsequent construction, therefore, the ad valorem court fee will have to be computed, treating it as non-agricultural land.

5. In view of the above, I do not find any infirmity or illegality in the impugned order dated 09.07.2025 passed by the learned Civil Judge (Junior Division), Gurugram, and the same does not warrant any interference by this Court. Consequently, the present petition is hereby **dismissed** and the impugned order dated 09.07.2025 is accordingly upheld.

6. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

30.07.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No