

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****CR-2507-2025****Date of Decision:28.04.2025****CHHATTAR PAL SINGH****....PETITIONER****VS****SURINDER KUMAR SINGLA AND OTHERS****....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present: Mr. Ashish Rana, Advocate
for the petitioner.*************DEEPAK GUPTA, J.**

Petitioner herein is the plaintiff before learned Civil Judge (Jr. Divn.), Yamuna Nagar at Jagadhri in suit bearing CNR No.HRYN02-002301-2017 titled as '*Chattar Pal Singh Vs. Surinder Kumar Singla and others*'. He is aggrieved by the order dated 11.03.2025 (*Annexure P-9*), whereby he has been directed to affix the ad valorem Court fee as per market value of the suit property.

2. It is contended by learned counsel that the impugned order has been passed on an application moved by defendant No.4, under Order VII Rule 11 CPC, despite the fact that a similar application earlier moved by defendant Nos. 1 to 3 was dismissed. Still further, it is submitted that no relief has been claimed by the plaintiff assailing the sale deed in favour of defendant No.4.

3. After hearing learned counsel for the petitioner, and going through the paper book, this Court does not find merit in the aforesaid contention.

4. As it emerges, plaintiff initially filed the suit against defendant Nos. 1 to 3 seeking possession of the suit property; and the declaration that entries in the municipal record regarding the suit property in the name of



said defendants were null, illegal and void, the result of fraud and misrepresentation. On an application moved under Order 6 Rule 17 CPC and under Order 1 Rule 10 CPC, defendant No.4 was permitted to be impleaded as a party, inasmuch as defendant No.3 had sold the suit property to said defendant No.4 by virtue of a sale deed dated 27.09.2022 (Annexure P-6) for consideration of ₹20,00,000/-.

5. In the amended plaint, plaintiff specifically alleged that sale deed executed by defendant No.3 in favour of defendant No.4 was null, illegal and void and not binding on the rights of the plaintiff. He also claimed decree for possession against defendant No.4 as well, besides assailing the entries in the municipal records.

6. This is true that an application under Order VII Rule 11 CPC earlier moved by defendant Nos. 1 to 3 was dismissed by the trial Court as has been observed in the impugned order, but it has been rightly observed that after the plaintiff assailed the sale deed in favour of defendant No.4 and sought possession of the suit property, he had become liable to pay the ad valorem Court fee as per the market value of the suit property, despite the fact that he was not executant of the sale deed executed by defendant No.3 in favour of defendant No.4, in view of Section 7(v) of the Court Fees Act, as he had also sought decree of possession.

7. As such, I find no illegality or perversity in the impugned order. Holding the present revision to be devoid of any merit, the same is hereby dismissed.

28.04.2025

Pry

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Yes

Whether reportable?

Yes