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

CR-6957-2025

Date of decision: 29.09.2025

ANJU JAIN AND ANOTHER

..Petitioners

Versus

JINENDER KUMAR JAIN AND ANOTHER

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rahul Jaswal, Advocate
for the petitioners.

SUDEEPTI SHARMA, J. (Oral)

1. The challenge in the present revision petition is to order dated 08.09.2025 passed by learned Additional Civil Judge (Senior Division), Samalkha, whereby application filed by the petitioners under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'CPC') was dismissed.
2. Brief facts of the case are that respondent filed civil suit seeking declaration to the effect that General Power of Attorney dated 09.04.2010 executed by Smt. Anguri Mala wife of late Shekar Chand Jain in favour of petitioner No.2 on the basis of general power of attorney in favour of his wife are illegal, null and void, being the result of fraud, cheating and misrepresentation.
3. Learned counsel for the petitioners contends respondent claim the title based on settlement dated 12.11.2009 by asserting possession since 2009 and the suit was instituted on 09.07.2025 i.e. approximately 15 years



after execution of the document, therefore, he filed application under Order VII Rule 11 of the CPC seeking rejection of plaint on the ground that suit is hopelessly barred by limitation and no *ad valorem* Court fee on the market value of the suit property is affixed despite the fact that respondent has valued the suit property at the rate of Rs.200/- and affixed Court fee of Rs.50/- despite claiming ownership of the property measuring 356 Sq. yards, which has a market value of Rs.1,00,00,000/- and that the respondent has not impleaded other co-sharers, which was dismissed vide order dated 08.09.2025, passed by learned Additional Civil Judge (Senior Division), Samalkha.

4. Learned counsel for the petitioners contends that learned Additional Civil Judge (Senior Division), Samalkha has wrongly dismissed the application filed by the petitioners under Order VII Rule 11 read with Section 151 of the CPC.

5. He further contends that learned Additional Civil Judge (Senior Division), Samalkha has failed to appreciate the fact that suit for cancellation of sale deed dated 24.04.2010 can be filed within three years from the date on which the facts entitling the respondent to have the sale deed cancelled came first known to him and there is no reasoning for not filing the suit within limitation.

6. I have heard learned counsel for the petitioners and have gone through the file of this case with his able assistance.

7. A perusal of the file shows that petitioners filed application under Order VII Rule 11 read with Section 151 of the CPC on the ground that suit is hopelessly time barred since it is filed after a gap of 15 years and



also that the respondent has not affixed Court fee on the market value of the suit property since respondent challenged the sale deed.

8. Further that respondent is estopped from filing the suit since no objection was raised by him at the time of sale deed and the suit is bad on account of mis-joinder and non-joinder of parties.

9. The respondent filed reply to the same and alleged that sale deed was not in his knowledge and it came to the knowledge in the year 2025 and immediately he filed the civil suit. He further stated that he has not only challenged the sale deed but also claiming the right on the property on the basis of family settlement and there is no requirement to affix Court fee on the market value of the suit property since no general power of attorney was executed by his mother because there was family settlement effected in the year 2009 and as per the family settlement, respondent was residing in the suit property. Since, the suit property is in his possession, therefore there is no requirement of affixing *ad valorem* Court fee. It has been rightly held by learned Additional Civil Judge (Senior Division), Samalkha that respondent sought declaration that General Power of Attorney dated 09.04.2010 and impugned sale deed dated 21.04.2010 are illegal, null and void and these documents are result of fraud and misrepresentation, therefore, once the suit is filed challenging the sale deed on the ground of fraud then as and when it came to the knowledge of the petitioners, they challenged the same, therefore, it is not barred by limitation.

10. A perusal of file further shows that due to family settlement, the respondent is residing in the suit property, therefore, there is no requirement of affixing *ad valorem* Court fee. Otherwise also it is not the case of the petitioners that they have no right to defend the civil suit. They can raise all



the issues by way of filing written statement and in civil suit they would be granted every opportunity to defend their case.

11. In view of the facts and circumstances of the present case, I do not find any ground to interfere with order dated 08.09.2025 passed by learned Additional Civil Judge (Senior Division), Samalkha.

12. Hence, the present petition is hereby dismissed.

September 29th, 2025

Ayub

**(SUDEEPTI SHARMA)
JUDGE**

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