



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

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**CR-6930-2025 (O&M)**

**Date of Decision:29.09.2025**

**MANDEEP KAUR AND ANOTHER**

**... PETITIONERS**

**Versus**

**HARPREET SINGH AND OTHERS**

**....RESPONDENTS**

**CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Simranjeet Singh, Advocate  
for the petitioners.

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**AMARINDER SINGH GREWAL, J.**

1. The present civil revision under Article 227 of the Constitution of India for setting aside order dated 25.08.2025(Annexure-P1) whereby the learned Additional Civil Judge (Senior Division), Phul in Civil Suit bearing No. CS/230/2020, has allowed the application filed by defendants No.4 and 5 under Order VII Rule 11 of CPC for dismissal of suit on the ground of deficient court fee.

2. Succinctly, the facts of the case are that the plaintiffs have instituted a suit challenging multiple sale deeds executed between the years 2018 and 2020, namely: sale deed No.3697 dated 06.03.2018 for ₹6,83,000/-, sale deed No.3698 dated 06.03.2018 for ₹19,51,000/-, sale deed No.844 dated 16.11.2018 for ₹14,03,000/-, sale deed No.261 dated 27.04.2018 for ₹3,17,000/-, sale deed No.262 dated 27.04.2018 for ₹9,03,000/-, sale deed No.263 dated 27.04.2018 for ₹5,92,000/-, sale deed No.1963 dated 14.08.2019 for ₹10,00,000/-, sale deed No.2201 dated 04.09.2019 for ₹4,65,000/-, sale deed No.3572 dated 15.01.2020 for



₹5,00,000/- and sale deed No.4223 dated 12.03.2020 for ₹5,00,000/-. The defendants filed the present application, submitting that though the plaintiffs seek cancellation of the aforesaid sale deeds, they have affixed a fixed court fee of ₹100/- only, whereas, in accordance with law, they were required to affix *ad valorem* court fee on the value of the sale deeds sought to be challenged. After hearing the parties, the aforesaid application was allowed by the learned Court below, vide impugned order.

3. Learned counsel for the petitioners (plaintiffs) contends that the impugned order dated 25.08.2025, whereby the suit was rejected under Order VII Rule 11 CPC for the deficient court fee, has been passed without proper application of judicial mind. Further, it is urged that relief of declaration to set aside the sale deeds as illegal, null and void, with consequential relief of injunction, has been sought, for which the requisite court fee has already been affixed. Furthermore, since the petitioners(plaintiffs) are not the executants of the sale deeds, they are not liable to pay *ad valorem* court fee under Section 7 of the Court Fees Act, 1870, but only a fixed fee is to be paid by them. Lastly, it is submitted that the issue of court fee could have been left open for determination at trial after parties led evidence. Reliance in this regard is placed on the judgment rendered by this Court in ***Ravinder Kumar Modi and another Vs State of Punjab and others CR No.5142 of 2024.***

4. In view of the order proposed to be passed, issuance of notice to the respondents is not considered necessary, as the same would only delay the proceedings and entail additional expense to them. Consequently, service upon the respondents is dispensed with.

5. Having heard learned counsel for the petitioners and upon perusal of the record, with his able assistance, this Court is of the considered view that there



is no infirmity in the impugned order dated 25.08.2025 passed by the learned Additional Civil Judge (Senior Division), Phul. The learned counsel for the petitioners contended that being non-executants of the impugned sale deeds, they were not liable to affix ad valorem court fee, and further, that the issue of court fee ought to have been left open for determination at trial. However, this contention does not merit acceptance in light of the settled law. The Hon'ble Supreme Court in ***Suhrid Singh @ Sardool Singh v. Randhir Singh & Ors., (2010) 12 SCC 112***, has clearly laid down the distinction with respect to payment of court fee. It has been held that where a non-executant, being in possession, seeks only a declaration that a sale deed is invalid, he may pay a fixed court fee. Conversely, where a non-executant is not in possession and seeks declaration of invalidity of a sale deed coupled with consequential relief of possession, *ad valorem* court fee is payable. The said judgment further clarifies that in suits for declaratory decrees with consequential relief relating to property, the valuation cannot be less than the value of the property calculated under Section 7(v) of the Court Fees Act.

6. In the present case, although plaintiffs have not specifically claimed possession in the relief clause, the pleadings itself reveal that possession is not with the plaintiffs, but with the defendants, who are the executants of the sale deeds. Therefore, the relief of possession is implicit and auxiliary to the main relief sought. Without possession, the relief of declaration alone would be illusory. In such circumstances, the plaintiffs cannot avoid payment of ad valorem court fee merely by framing the suit as one for declaration simpliciter.

7. The further plea of the petitioners(plaintiff) that the issue of court fee could have been left open for determination at trial is also without merit. The question of proper valuation and sufficiency of court fee goes to the very maintainability of the plaint and can be examined at the threshold under Order VII



Rule 11 CPC. The learned Trial Court rightly exercised its jurisdiction in directing the plaintiffs to make good the deficiency. The additional argument that the plaintiffs could be required to pay the court fee only at the stage of execution of a decree is misplaced, as such a course is impermissible where the plaint itself discloses deficiency at inception.

8. In view of the foregoing discussion, no ground for interference under Article 227 of the Constitution is made out. Accordingly, the petition stands dismissed.

9. Miscellaneous application(s), if any, also stand disposed of.

(AMARINDER SINGH GREWAL)  
JUDGE

**September 29, 2025**

nitin/ss

Whether speaking/reasoned : Yes  
Whether reportable : No