

Sita Wanti Vs Yash Pal Singh @ Jaspal Singh

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 25, 2006

Hon'ble Judges: Hemant Gupta, J

Bench: Single Bench

Advocate: Dinapur, for the Appellant; Sanjay Verma, for the Respondent

Final Decision: Allowed

Judgement

Hemant Gupta, J.

The challenge in the present revision is to the order passed by the learned District Judge, Yamuna Nagar, on 16.2.2005,

whereby the order passed by the learned trial Court directing the petitioner to affix ad valorem court-fees was affirmed in appeal.

2. The plaintiff has filed a suit for declaration claiming that the plaintiff is owner in possession of land measuring 18 kanals 19 marlas and that the

decree dated 6.11.1993 passed by Sub Judge, 1 st Class, Jagadhri, is wrong, illegal, null and void and not binding on the rights of the plaintiff.

3. The learned trial Court relying upon Ram Chancier v. Rattan Lal, 2002(2) CCC 391 (P&H): 2002(1) P.L.J. 328 and Mohinder Singh v. Kartar

Kaur, 1991(1) L.J.R. 321 has held that the plaintiff is liable to affix ad valorem court-fees.

4. Since the plaintiff has not claimed possession of the suit land as a consequential relief, the plaintiff is not required to pay ad valorem court fees.

This is the view taken by this Court in Smt. Beena and other v. Rajinder Kumar and others, Civil Revision No.5215 of 2003, decided on

24.1.2005 and Bhagwan Kaur and others v. Amrik Singh and others, Civil Revision No.790 of 2005, decided on 8.8.2006.

5. In view of the above, present revision petition is allowed and the order dated 6.1.2003 whereby the suit of the plaintiff was dismissed for not

affixing the ad valorem court-fees and order dated 16.2.2005 dismissing the appeal, are set aside. The suit is restored to its original number. The

learned trial Court shall decide the suit on merits in accordance with law.