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**(2013) 07 P&H CK 0595**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : C.R. No. 404 of 2011**

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|-----------------------------------|----|------------|
| Karamjeet Kaur Grewal and Another | Vs | APPELLANT  |
| Gunwant Kaur and Others           |    | RESPONDENT |

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**Date of Decision :** 17-07-2013

**Acts Referred:**

Constitution of India, 1950 — Article 227  
Court Fees Act, 1870 — Section 7(iv)(a)

**Citation :** (2013) 07 P&H CK 0595

**Hon'ble Judges :** L.N. Mittal, J

**Bench :** Single Bench

**Advocate :** R.K. Handa, for the Appellant; Rakesh Gupta, Advocate for Respondent No. 1, Mr. R.L. Batta and Ms. Geeta Sharma, Advocate for Respondents No. 2 to 5, for the Respondent

**Final Decision :** Disposed Off

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## Judgement

L.N. Mittal, J.—Plaintiffs have filed this revision petition under Article 227 of the Constitution of India impugning order dated 10.12.2010 passed by learned trial court, thereby directing the plaintiffs to pay court fee as per Court Fees Act (in short - the Act). The plaintiffs sought declaration regarding inheritance of share of their deceased son Amarjit Singh (alleged adopted son of the plaintiffs) in the suit land, with further declaration that defendant No. 1, who is widow of Amarjit Singh, is not entitled to inherit his property being his murderer. Defendant No. 1, during pendency of the suit, has allegedly sold part of the suit land to defendants No. 2 to 5, who have, therefore, been impleaded as party to the suit and sale deeds in their favour have also been challenged. Relief of joint possession has also been claimed by the plaintiffs.

2. I have heard counsel for the parties and perused the case file.

3. Counsel for the petitioners contended that the petitioners, not being executants of the sale deeds, which are under challenge in the suit, are not liable to pay ad valorem court fee on the sale consideration thereof. There is

considerable merit in the contention. Hon"ble Supreme Court, in the case of Suhrid Singh @ Sardool Singh Vs. Randhir Singh and Others, , held that if the plaintiff is executant of the sale deed, then he is liable to pay ad valorem court fee on sale consideration thereof. In the instant case, plaintiffs are admittedly not executants of the impugned sale deeds, and therefore, they are not liable to pay ad valorem court fee on sale consideration thereof. In fact, impugned order of the trial court is very vague and has not specified as to how the court fee is to be calculated and what amount of court fee is to be paid. Be that as it may, the plaintiffs are not liable to pay ad valorem court fee on sale consideration of sale deeds. The plaintiffs have claimed relief of joint possession of the suit land. For the said relief, they have to pay ad valorem court fee. However, the question is what should be the market value of the suit land for the purpose of said relief, on which ad valorem court fee is required to be paid. For this purpose, reference has to be made to Section 7(iv)(a) and (b) of the Act and the market value has to be assessed at ten times of the land revenue of the suit land and thereupon, ad valorem court fee shall be payable.

4. Impugned order of the trial court, therefore, needs modification to the aforesaid extent. It is ordered accordingly. Disposed of accordingly.