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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1411-2026

Date of Decision: 19.03.2026

JAGROOP SINGH

...Petitioner

Vs.

JAGDEV SINGH AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present revision petition has been filed assailing the order dated 28.10.2025 passed by the learned Civil Judge (Junior Division), Phul, whereby the application filed by the petitioner under Order VII, Rule 11 read with Section 151 of the Code of Civil Procedure, seeking rejection of the plaint on the ground of non-affixation of ad valorem court fee, was dismissed.

2. Briefly stated, the respondent/plaintiff filed a suit seeking a declaration, challenging the validity of Sale Deed Nos. 1178 and 1179 dated 16.01.2023, which were allegedly executed by Harnam Kaur, widow of Harnam Singh, along with Phuman Singh s/o Kandhara Singh, and Gurbaksh Singh s/o Bachan Singh. It was specifically contended in the plaint that all the purported executants had died long before the alleged date of execution of the sale deeds, and therefore, the documents were fraudulently created and resulted from impersonation. The respondent/plaintiff prayed for a declaration that the said sale deeds are null, void, and of no legal effect. In response to the suit, the petitioner/defendant



filed an application under Order VII, Rule 11 read with Section 151 of the Code of Civil Procedure, seeking rejection of the plaint on the ground that the requisite *ad valorem* court fee had not been affixed. It was contended that, in view of the nature of the relief claimed, the plaint was liable to be rejected for non-compliance with the statutory requirement of payment of proper court fee. The learned Civil Judge (Junior Division), Phul, after considering the submissions, dismissed the application by the impugned order dated 28.10.2025, holding that the plaint was maintainable notwithstanding the issue regarding court fee. Aggrieved by the said order, the petitioner has preferred the present revision petition, challenging the correctness and legality of the order passed by the learned Civil Judge, and seeking appropriate relief under Section 115 of the Code of Civil Procedure.

3. Learned counsel for the petitioner contended that the impugned order is not sustainable in law. It was argued that the learned Civil Judge failed to consider that the respondent/plaintiff has no locus standi to challenge the sale deeds, as he had no right, title, or interest in the suit property and is not connected with the alleged vendors in any manner. It was further contended that the suit attracts ad valorem court fee and, therefore, the plaint ought to have been rejected.

4. Upon perusal of the record, it is evident that the application filed by the petitioner under Order VII, Rule 11 read with Section 151 CPC was solely grounded on the alleged non-payment of the requisite court fee. No objection was raised in the said application regarding the respondent/plaintiff's alleged lack of locus *standi*. It is well settled that in revisional jurisdiction, this Court is empowered to examine the legality and



propriety of the impugned order as it stands, based on the grounds urged before the learned trial court. Since the issue of locus *standi* was not raised in the original application, the petitioner cannot raise this plea for the first time in this revision petition.

5. As regards the contention that the plaint attracts *ad valorem* court fee, this Court finds no illegality or impropriety in the impugned order. The learned Civil Judge has rightly concluded, in accordance with the law laid down by the Hon'ble Apex Court in *Suhard Singh @ Sardool vs. Randhir Singh and others, (2010) 12 SCC 112*, that a plaint seeking only a declaration and injunction, without any prayer for possession, does not require payment of *ad valorem* court fee, particularly where the executants of the sale deeds impugned in the suit are not parties to the suit. In the present case, the plaintiff is not seeking possession of the suit property, but merely declaration and injunction, and therefore, the plaint is maintainable without payment of *ad valorem* court fee.

6. In view of the foregoing, no illegality, perversity, or material irregularity is found in the impugned order. The revision petition is, accordingly, dismissed.

(VIRINDER AGGARWAL)
JUDGE

19.03.2026

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