



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114+204)

CM-21202-CII of 2025 in/and
CR No. 5970 of 2023

Date of Decision: 29.10.2025

Praveen Singla

...Petitioner

VS

Smt. Reshma Pall and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rajesh Lamba , Advocate
Mr. Rahul Gugnani, Advocate
for the non-applicant-petitioner.

Mr. J.S.Toor, Sr. Advocate
with Mr. Karan Vir Singh Advocate
for applicant-respondent No.1.

VIKRAM AGGARWAL, J (ORAL)

CM-21202-CII of 2025

The application is allowed as prayed for subject to all just exceptions. Documents i.e. allotment offer letter dated 19.09.2012 in favour of respondent No.2-Rajeev Singh and report dated 27.01.2017 submitted by the Police Commissionerate, Gurugram, Economic Offence Wing, South, Gurugram as Annexures R-1 & R-2 are taken on record.

CR No. 5970 of 2023

The instant petition, preferred under Article 227 of the Constitution of India, assails order dated 11.09.2021 (Annexure P-1) passed by the Court of Civil Judge (Jr. Division), Gurugram, vide which the application under Order 7 Rule 11 of Code of Civil Procedure (for short 'CPC') was allowed and the petitioner-plaintiff was called upon to affix the ad valorem court fee.

2. The facts, as emanating from the petition are that the petitioner-plaintiff (Praveen Singla) instituted a suit for declaration, mandatory and permanent injunction seeking the following substantive relief:-

“13. That the plaintiff most respectfully prayed that a decree for declaration to the effect that the plaintiff is owner/share holder of 1/2 share in the suit property and further prayed that the sale deed Vasika No.3322 dated 21.10.2016 or Transfer or any other documents in favour of the defendants are null and void, ab-initio and is a result of fraud in the eyes of law and have been executed without any rights, title and interest in favour of defendant No.1 and has been executed without the notice and knowledge and without obtaining the express consent of the plaintiff and is not binding upon the rights of the plaintiff in any manner.

It is further prayed that a decree for permanent injunction be passed in favour of plaintiff, whereby defendants, their attorneys, agents, successor, heirs be restrained from alienating, leased out and from obtaining loan and creating any third party interest in the suit property illegally and un-lawfully fully detailed and described in Para No.1 of the plaint may kindly be passed in favour of plaintiff and against the defendants.

It is, further prayed that during the pendency of present suit, if the defendants succeed in alienating, leased out the suit property to some other third party, then a decree for mandatory injunction be granted in favour of plaintiff, whereby directing the defendants to pay the amount of sale as per share of the plaintiff i.e. 1/2 share and profit and other benefits with interest 24% to the plaintiff.”

3. An application (Annexure P-3) under Order 7 Rule 11 CPC was moved by the respondent-defendant No.1 (Reshma Pall). It was averred that the since the petitioner-plaintiff had challenged the sale deed dated 21.10.2016, he was liable to pay *ad valorem* court fee. It was also averred

that the suit was barred under 2 Rule 2 CPC as previously, the petitioner-plaintiff had instituted a suit bearing CS No. 2801 of 2016 on the same cause of action, which had been dismissed in default on 16.03.2017. Instead of getting the said suit restored, the petitioner-plaintiff had instituted a fresh suit and, therefore, the same was barred under Order 2 Rule 2 CPC and by *res judicata*.

4. The application was opposed by way of a reply (Annexure P-4), wherein the averments made in the application were denied.

5. By way of the impugned order, the application was partly allowed and the petitioner-plaintiff was called upon to affix the ad valorem court fee. As regards the issue of the suit being barred under Order 2 Rule 2 CPC, it was held that the same was a matter of evidence and, therefore, the plaint could not be rejected on the said ground.

6. It is against the said order, the instant revision petition has been filed.

7. I have heard learned counsel for the parties.

8. Learned counsel for the petitioner submits that the impugned order is not sustainable since the plaintiff was not an executant of the sale deed under challenge. Reference has been made to the sale deed dated 21.10.2016 which has been produced for the perusal of the Court during the course of arguments and it has been pointed out that the sale deed was executed by M/s Ireo Private Limited in favour of defendants no.1 and 2. He submits that under the circumstances, the impugned order is not sustainable.

9. *Per contra*, Mr. J.S. Toor, learned Senior counsel representing respondent No.1 submits that there is no illegality in the impugned order.

10. Having considered the submissions made by learned counsel for the parties, this Court is of the considered opinion that the impugned order is not sustainable. In so far as the issue of the suit being barred under Order 2 Rule 2 CPC or by *res judicata* is concerned, the trial Court rightly held that the same was a matter of evidence and the plaint could not have been rejected on the said ground. However, as regards the payment of *ad valorem* court fee, the matter stands settled by the judgment of the Supreme Court of India in ***Suhrid Singh @ Sardool Singh Vs. Randhir Singh, 2010 (2) Law Herald (SC) 1371***. Concededly, the petitioner was not an executant of the sale deed. Once the plaintiff was not an executant of the sale deed and further the relief of possession had not been sought, there was no question of ordering the petitioner-plaintiff to affix the *ad valorem* court fee.

11. That being so, the impugned order is not sustainable. Under the circumstances, the instant revision petition is allowed and the impugned order dated 11.09.2021, passed by the Court of Civil Judge (Jr. Division), Gurugram is hereby set aside.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

October 29, 2025

Rekha

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