

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

CR-2477-2022 (O&M)
Date of decision: 31.08.2022

Sheela Devi and others

....Petitioners

Versus

Naresh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Jaswal, Advocate for the petitioners
Mr. Ketan Antil, Advocate for respondent no.1 to 3

ANIL KSHETARPAL, J (Oral)

On 04.07.2022, while noticing the contentions of the learned counsel representing the petitioners, the following order was passed by this Court:-

*“The learned counsel representing the petitioners inter-alia contends that though, the trial court has noticed that the petitioners are not the executant of the document, still the trial court while misinterpreting the judgment passed by the Hon'ble Supreme Court in **Suhrid Singh alias Sardool Singh vs. Randhir Singh and others, (2010) 12 SCC 112**, has directed the petitioners to pay advalorem court fee within a period of 60 days.*

Notice of motion for 10.08.2022.

In the meanwhile, operation and effect of the order dated 12.05.2022 shall remain stayed.

The trial court is requested to proceed with the case without insisting on the deposit of advalorem court fee.

The petitioners shall have the liberty to serve the respondents through their counsel in the trial Court.”

Learned counsel representing the respondents very fairly admits that in view of the aforesaid judgment of the Supreme Court, the plaintiffs are not liable to pay the ad valorem court fee as they are

not the executants of the document.

Keeping in view the fair stand taken by the learned counsel representing the respondents, the order dated 12.05.2022 is set aside. Let the trial court proceed with the case without insisting on the payment of the court fee.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

31.08.2022
rekha

(ANIL KSHETARPAL)
JUDGE

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