

In the High Court of Punjab and Haryana at Chandigarh

CR-1417-2015

Date of decision: 11.03.2015

Mahinder Kaur and another

.....Petitioners

Versus

Pawandeep Kaur and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Karan Bhardwaj, Advocate
for the petitioners

SABINA, J.

Petitioners have filed this petition challenging order dated 8.1.2015 (Annexure P6) whereby petitioners were directed to affix the necessary Court fee.

I have heard the learned counsel for the petitioners and have gone through the record available on the file carefully.

Petitioners are the mother-in-law and father-in-law of respondent No.1-Pawandeep Kaur. Mandeep Singh, son of the petitioners and husband of respondent No.1-Pawandeep Kaur has died. It has also transpired, during the course of arguments, that Mandeep Singh had maintained the joint account in question alongwith his wife with the Bank-respondent No.2.

Petitioners have filed the suit for declaration that they were entitled to the amount of ₹7,55,402/- along with interest lying in the account with the Punjab National Bank, Branch Butter. During

the pendency of the suit, respondent No.1 moved an application dated 20.10.2014 (Annexure P4) under Order 7 Rule 11 of the Code of Civil Procedure, 1908 seeking rejection of the plaint on the ground that the necessary court fee had not been affixed by the petitioners. A perusal of Annexure P4 reveals that it was prayed that respondent No.1 had filed a complaint before the Consumer Court for release of the amount in question and the same was allowed by the said Court.

Although, petitioners have filed the suit for declaration that the amount in question be released to them but virtually it is a suit for recovery of amount in question. Hence, petitioners are required to affix the requisite Court fee. In these circumstances, impugned order dated 8.1.2015 (Annexure P6) calls for no interference.

Dismissed.

**(SABINA)
JUDGE**

March 11,2014

arya