

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

CR No. 2020 of 2014 (O&M)

Date of decision: March 13, 2015

Surinder Singh and another

...Petitioners

Versus

State Bank of Patiala and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ? Yes**
2. **To be referred to the Reporters or not ? Yes**
3. **Whether the judgment should be reported in the Digest? Yes**

Present: Mr. RS Budhwar, Advocate,
for the petitioners.

Mr. Vikas Sharma, Advocate,
for respondent No. 1.

K. KANNAN, J. (Oral)

1. A suit instituted in a normal civil court, after constitution of Gram Nyayalaya under the Gram Nyayalayas Act, 2008 (for short '**the Act**'), was transmitted to the Gram Nyayalaya under Section 16 of the Act. The suit was decreed. In appeal to the District Court, the defendants sought to take advantage of the court fee provision that contains a concession for payment of court fee in every appeal against the decisions of the Gram Nyayalayas. The District Judge ordered that the court fee paid by the plaintiff before the transfer of the case to the Gram Nyayalaya shall be paid by him. The petition is against that order. The defendants were relying on Section 24 (1) of the Act that read as follows:-

“24. (1) Notwithstanding anything contained in any other law

for the time being in force, every suit, claim or dispute under this Act shall be instituted by making an application to the Gram Nyayalaya in such form, in such manner, and accompanied by such fee, not exceeding rupees one hundred, as may be prescribed by the High Court, from time to time, in consultation with the State Government.”

2. This section enacts that the court fee shall not exceed 100 rupees, if the decision which is appealed against is against the decision of the Gram Nyayalaya. The court fee that become payable at the time of appeal shall only be the court fee as shall becomes payable before the Gram Nyayalaya if the suit were to be filed at the same time, no matter the institution was earlier in point of time when the plaintiff had paid a higher court fee under the schedule of the court fee payable under the Court Fee Act. The direction given by the District Judge was erroneous and he is directed to receive a court fee of Rs. 100/-, register the appeal and dispose of the same in accordance with law.

3. The impugned order is set aside and the revision petition is allowed.

March 13, 2015
prem

(K.KANNAN)
JUDGE