

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

CR No.3076 of 2015 (O&M)

Date of decision : 07.09.2015

Balwinder Singh

...Petitioner

Versus

Satwinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the impugned order, whereby application filed by the respondent-defendants under Order 7 Rule 11 has been allowed and the petitioner-plaintiff has been called upon to pay advalorem Courts fees.

Mr. Rakesh Gupta, learned counsel appearing on behalf of petitioner-plaintiff submits that frame of the suit for mandatory injunction has been sought against the defendants to pay 1/3rd share and the amount of compensation has been received by the defendants on account of acquisition of the land and, therefore, the trial Court has committed illegality and perversity in ordering the payment of advalorem Courts fees.

I have heard learned counsel for the petitioner and appraised the paper book.

The frame of the suit is for mandatory injunction, in essence, it amounts to recovery of 1/3rd share and amount of compensation already received by the defendants on account of acquisition of land, in my view, the trial Court has rightly allowed the application moved by the respondent-defendant calling upon the petitioner-plaintiff to pay the advalorem Courts fee which amounts to recovery of 1/3rd share.

No fault can be found with the findings rendered by the trial Court, much less, there is no illegality and perversity.

The order cannot be said to have been passed without jurisdiction.

Present revision petition is devoid of merits and same is, accordingly, dismissed.

07.09.2015

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**(AMIT RAWAL)
JUDGE**