

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5698 of 2013
Date of decision: 24.08.2015

Karnail Singh

... Petitioner

Versus

Smritter Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. KS Dhillon, Advocate for the petitioner.
Mr. GS Nagra, Advocate for respondents No.1 & 2.
Respondent No.3 already ex parte.
None for respondent No.4, despite service.

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

ARUN PALLI J. (Oral)

Vide order being assailed, dated 16.07.2013, rendered by Additional Civil Judge (Sr. Divn.), Kapurthala, the application moved by respondents/defendants No.1 & 2, for rejection of the plaint filed under Order 7 Rule 11 of the Civil Procedure Code, has since been accepted. And the petitioner-plaintiff was directed to pay the requisite ad valorem court fee.

During the course of hearing, a consensus emerged between the counsel for the parties that as the issues are yet to be framed by the trial court, the issue as regards affixation of appropriate court fee or whether the petitioner-plaintiff is indeed required to affix ad valorem court fee, could always be

claimed when the trial court frames issues, that arise from the pleadings of the parties.

That being so, the order dated 16.07.2013 is set aside and the revision is disposed of with an observation that respondents/defendants No.1 & 2 shall be at liberty to claim an issue as regards the affixation of appropriate court fee at the time when the trial court frames others issues that arise for determination. And the same shall be decided in accordance with law along with the other issues.

However, it is clarified that this order shall not constitute any expression of opinion on merits of the case of either party.

August 24, 2015
Rajan

(Arun Palli)
Judge