

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5542 of 2014 (O&M)

DATE OF DECISION : December 08, 2015

Gurbachan Singh & ors.

..... PETITIONER(S)

VERSUS

Dalip Singh & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. V.K. Sandhir, Advocate, for the petitioners.
Mr. H.S. Batth, Advocate, for respondent No.1.
Mr. Harsh Aggarwal, Advocate, for respondents No.2 & 3.

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

Vide order under challenge, dated 02.07.2014, rendered by Additional Civil Judge, Patti application moved by defendants No.2 and 3 under Order 7 Rule 11, Code of Civil Procedure, had since been accepted and the plaintiff-petitioners

are required to affix an appropriate Court Fee on the amount of

₹1,85,00,000/-.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let the impugned order be set aside and revision petition be disposed of only with a direction to the trial Court to frame a suitable issue as regards affixation of appropriate Court Fee, and the same be tried as a preliminary issue.

That being so, and without examining the matter on merits, the order dated 02.07.2014, is set aside and the revision petition is disposed of with a direction to the trial Court that it shall frame a suitable issue as regards affixation of appropriate Court Fee, in the wake of the relief being claimed by the plaintiff-petitioners and determine the same as a preliminary issue, in accordance with law.

Needless to assert that this order shall not constitute any expression of opinion on merits of the case of either party in this regard.

Revision petition is disposed of in the above terms.

DECEMBER 08, 2015
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(ARUN PALLI)
JUDGE