

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5676 of 2014
Date of decision : September 24, 2015

Smt. Pratibha Puri

..... Petitioner

Versus

Satish K Oswal

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A. S. Narang, Advocate
for the petitioner.

Mr. Rahul Sharma, Advocate
for the respondent.

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order whereby application under Order 7 Rule 11 CPC filed by the petitioner-defendant, seeking rejection of the plaint on the premise that ad valorem court fee had not been paid, has been dismissed. At the threshold, this Court put a query to Mr. A. S. Narang, learned counsel for the petitioner, as to whether any issue with regard to the court fee, in pursuance to the preliminary objections taken in the written statement has been framed or not.

Mr. A. S. Narang, learned counsel for the petitioner, after seeking instructions, has informed that no issue with regard to the court fee has been framed. He submits in this regard, that he

would be moving an application, for framing of an additional issue.

Mr. Rahul Sharma, learned counsel appearing on behalf of the respondent-plaintiff submits that he would not be averse in case parties to the suit are bound by the terms and conditions fixed by this court.

Keeping in view the aforementioned factual position, the present revision petition is disposed of with a direction to the trial court to give four four opportunities each to the parties to examine the witnesses either through the process of court or under the provisions of Order 16 Rule 1-A CPC.

Liberty is also granted to the petitioner-defendant to move an appropriate application for framing of an additional issue viz-a-viz court fee only.

With the aforementioned directions, the order under challenge is thus, upheld. However, it is made clear that the finding rendered by the trial court vide impugned order shall not come in the way of the parties and the suit shall be decided independently on the basis of evidence and in support of their respective claims, within a period of fourteen months.

The civil revision stands disposed of.

(AMIT RAWAL)
JUDGE

September 24 , 2015
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