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

**Civil Revision No.6418 of 2015
Date of Decision: 28.09.2015**

M/S VIVEKANAND ASHRAMA

.....Petitioner

Vs

ARVIND KUMAR @ DEEPAK AND OTHERS

.....RespondentS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurmohan Singh Bedi, Advocate
for the petitioner.

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?*

RAJ MOHAN SINGH, J.(Oral)

[1]. Defendant is in revision petition against the order dated 10.07.2015, whereby application under Order 7 Rule 11 CPC read with Section 151 CPC has been declined.

[2]. The application in question was filed on the issue of incorrect mentioning of names of defendants No.1 and 2 besides giving wrong nomenclature of defendant No.5.

[3]. During the course of arguments, learned counsel for the petitioner fairly states that the aforesaid issues are no more in issue, rather issue of court fee is an issue to be adjudicated in the present revision petition.

[4]. Learned counsel by relying upon Order 7 Rule 11(1)(b)

CPC contends that the issue of court fee has to be decided at the earliest and opportunity is to be granted to the plaintiff to affix ad-valorem court fee.

[5]. The aforesaid fact has been taken note of by the trial Court while rejecting the application. For determining the issue in question evidence is required to be led by the parties and thereafter trial Court would be in position to assess the value of the suit property.

[6]. At this stage, the issue in question cannot be determined. The trial Court has kept this issue open for adjudication at the time of conclusion of the trial. No prejudice is going to be caused to the petitioner. The conditional decree can always be passed.

[7]. It is settled principle of law that at the stage of moving application under Order 7 Rule 11 CPC only averments of the plaint are to be seen.

[8]. Learned counsel for the petitioner by relying upon stand taken in the written statement and the evidence which is likely to be led before the Court, tries to satisfy this Court on the ground of payment of court fee at this stage, which according to this Court is wholly pre-mature.

[9]. In view of aforesaid, no indulgence can be granted in this revision petition.

[10]. Dismissed.

Sept. 28, 2015

Atik

(RAJ MOHAN SINGH)
JUDGE