

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

CR No.6998 of 2015

Date of decision : 19.10.2015

Satbir Kataria @ Satyabir Kataria

...Petitioner

Versus

Birbal Singh and ors.

...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. Jagtar Kureel, Advocate for the petitioners.

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**AMIT RAWAL, J. (Oral)**

Challenge in the present petition is to the impugned order dated 27.08.2015 (Annexure P-7), whereby application filed under Order 7 Rule 11 of Code of Civil Procedure, at the behest of the petitioner-defendants seeking rejection of the plaint on three counts i.e. (i) No cause of action (ii) not affixed advalorem court fees (iii) barred by limitation, has been declined.

Mr. Jagtar Kureel, learned counsel appearing on behalf of petitioner-defendants submits, that umpteen number of documentary evidence has been placed on record to show that plaintiff is not daughter of the Gurcharan Singh-Vendor of the property, therefore, there was no cause of action arose in her favour. Suit ex facie was barred by limitation. 1/4<sup>th</sup> share in the property and possession has been sought without payment of

advalorem court fees. He further submits that application was filed three years back and came to be decided in 2015. By that time case has reached the stage of defendant's evidence.

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

I am of the view that adjudication of the application at this stage of the suit would not be necessary and proper for the reasons that parties to the lis have already tendered voluminous evidence in respect of their respective stands. Moreover, issues vis-a-vis non payment of Court fees has not been framed. In the absence of such issue, petitioner-defendants cannot press the payment of court fees.

In case any evidence in this regard has been led, the petitioner-defendants shall be at liberty to agitate all the submission as raised in the application at the time of final arguments.

I do not intend to differ with the findings rendered by the trial Court in declining the application. Since issue of limitation has also been framed, the Court would decide the same on the basis of the material and evidence available on the record.

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

Revision petition is devoid of merits and accordingly the same is dismissed.

**19.10.2015**

*pawan*

**(AMIT RAWAL)  
JUDGE**