

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

Civil Revision No.7038 of 2013

Date of decision:27.03.2015

Vikram ... Petitioner

versus

Lakshmi Narain and others Respondents

II. Civil Revision No.7040 of 2013

Vikram ... Petitioner

versus

Birbal and others Respondents

III. Civil Revision No.7097 of 2013

Vikram ... Petitioner

versus

Birbal and others Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Suresh Kumar Aneja, Advocate,
for the petitioner.

Mr.Manu Loona, Advocate,
for respondents 1 to 3 and 5 in CR No.7038 of 2013;
for respondents 1 to 3, 6 and 7 in CR No.7040 of 2013;
for respondents 1 to 3 and 5 in CR No.7097 of 2013.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (*Oral*)

1. The revision petitions are against the order directing ad valorem court fee on the plaints. The objection appears to have been taken after the commencement of the trial and after the plaintiff's side was closed. The counsel says that even the defendant has been examined and it is now posted for arguments. Any objection regarding court fee must be taken at the earliest time even it has an immediate bearing on the jurisdiction of the court itself. If it is only an aspect regarding payment of court fee and the jurisdiction is still to be retained by the same court, then the objection must still be done before the commencement of the trial. In the light of the submissions made by the counsel that the evidence is closed on both sides, the court will consider the pleadings of whether the suit was properly valued on the contention that he is in joint possession of the property and whether the court fee was correctly paid on such evidence brought at the time when the court delivers the judgment in the case. If the court reiterates its findings on the evidence brought that the court fee was not paid, the court may defer the preparation of the decree till the court fee is properly affixed. If the court finds that court fee was correct and that the plaintiff is actually in joint possession, no ad valorem court fee is payable, then the order already passed will not come in the way. The court will be entitled to such a finding at the time of deciding all

other issues as well.

2. The order already passed is set aside only for reserving the matters to be considered by the Presiding Officer along with other issues at the time of delivery of judgment. This order is passed taking in view the arguments that the order on court fee had been made by the Judge after the commencement of the trial.

3. Civil revisions are disposed of on the above observations.

(K.KANNAN)
JUDGE

27.03.2015
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