

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7282 of 2015 (O/M)
Date of decision : 2.11.2015

Ashok Kumar and another

..... Revisionists

Versus

Ramesh Kumar and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Budhwar, Advocate, for the revisionists.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 30.5.2015 (Annexure-P-5), passed by the learned Civil Judge (Junior Division), Kurukshetra, vide which the application of the defendants-present revisionists under Order 7 Rule 11 read with Section 151 of Code of Civil Procedure, 1908, for rejection of the plaint on account of not affixing the ad-valorem court fee, was dismissed.

I have heard the learned counsel for the revisionists and have also carefully gone through the file.

CR No. 7282 of 2015 (O/M)

-2-

The revisionists claim that ad-valorem court fee is required to be affixed and plaint should have been rejected on this ground. In the suit, it was claimed that the agreement dated 30.7.2013, partnership deed dated 13.3.2014 and retirement deed dated 20.3.2014 were prepared by the defendants in collusion with each other and, therefore, not binding on the rights of the plaintiffs.

It being so, it is a mixed question of facts and law whether the plaintiff had executed the agreement, partnership deed and retirement deed and whether he is required to pay the ad-valorem court fee ? Therefore, the lower Court has rightly decided in not rejecting the plaint on this ground.

The present revision is accordingly dismissed.

However, it shall always be open to the defendants to take an objection of affixation of court fee in the written statement and the lower Court, after giving opportunity of leading evidence to both the parties, shall decide the same at the time of final disposal of suit.

(KULDIP SINGH)
JUDGE

2.11.2015
sjks