

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

**CR No.7487 of 2015
Date of decision: 11.12.2015**

Shakuntla Devi @ Kulwant Kaur and another

....Petitioners

Versus

Balwinder Kaur and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vijay Rana, Advocate
for the petitioners.

RITU BAHRI J. (Oral)

The petitioners have come up in revision for setting-aside the order dated 21.08.2015 (Annexure P-4), passed by Civil Judge (Jr. Division), Jalandhar, vide which the application filed by the present petitioners under Order 7 Rule 11 CPC for rejection of the plaint has been dismissed.

As per the judgment "*Smt. Tej Kaur vs Smt. Sarabjit Kaur*", 2007(3) RCR (Civil) 333, passed by this Court the legal heir of assured can seek a declaratory decree that he is entitled to receive his share of amount due under the policy of insurance and the defendants were directed not to pay the amount under the insurance policy to the nominee alone.

As far as, the grievance of the petitioner-defendant that

adequate Court fee was not paid is concerned, the suit has already been finalized by Hon'ble Supreme Court in “*Sri Rathnavarmaraja vs Smt. Vimla*”, 1961 AIR (SC) 1299, where it has been held that defendants has no right to come up in revision or appeal against the order declining payment of ad valorem court fee.

So, keeping in view the above facts and circumstances, no ground for interference is made out.

Dismissed.

(RITU BAHRI)
JUDGE

11.12.2015
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