

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

**Civil Revision No.83 of 2015
Date of Decision: August 17, 2015**

Kartar Singh @ Katar Singh

.... Appellant

vs.

Dharampal and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Parmod Parmar, Advocate for respondent No.1.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 19.12.2014 (Annexure P-4) passed the learned District Judge, Jhajjar, vide which the present petitioner was directed to make good the deficiency of the court fees amounting to ₹30,370/- by 20.01.2015.

A perusal of the impugned order shows that two suits were filed, where in one suit, the present petitioner was the defendant and the another suit was filed by the present petitioner. Both the suits were for specific performance.

The suit filed by the present petitioner was dismissed and that the suit filed by Dharampal and others was decreed. Both the suits were tried jointly and disposed of by a single judgment and decree.

The present petitioner has filed the appeal against the decree passed in suit filed by Dharampal and others. He has not filed any appeal against the dismissal of the suit filed by him. The appellate court has directed the petitioner to affix the court fee in the second suit also. The opposite party has not disputed that no court fee is required to be filed regarding decree against which no appeal has been filed. This Court is of the view that the court fee is required to be filed for the suit regarding which appeal is filed. No court fee is required to be filed regarding the suit regarding which no appeal has been filed, though both the suits might have been tried jointly.

Therefore, I am of the view that the impugned order is not sustainable in eyes of law.

Accordingly, the present revision petition is allowed.

August 17, 2015
sarita

(KULDIP SINGH)
JUDGE