

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

CR No.8799 of 2015

Date of Decision: December 23, 2015

Tarsem Singh

.... Petitioner

vs.

Devinder Sandhu and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ashok Kumar Arora, Advocate for the petitioner.

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 03.10.2015 (Annexure P-8) passed by Addl. learned Civil Judge (Sr. Divn.), Ajnala, vide which the application of the plaintiffs-respondent Nos.1 and 2 for restoration of the suit was allowed.

In this case, the plaintiffs were directed to make up the deficiency of court fee under Order VII, Rule 11 CPC till 05.08.2010. The time for payment of the court fee was extended to 23.08.2010. On that day, the plaintiffs did not appear and the suit was dismissed in default. Now the suit has been restored vide impugned order.

Learned counsel for the petitioner contends that once the time for payment of court fee has expired, the suit cannot be restored.

I am of the view that the plaint was not rejected on 23.08.2010 but the suit was dismissed in default. The lower court has merely restored the suit. It is well left to the lower court to decide whether further time is to be granted to make up the deficiency of the court fee or not? Thus, there is no ground to interfere in the impugned order.

Accordingly, the present revision petition stands dismissed.

However, the petitioner, if so advised, may raise all the available pleas before the lower court.

December 23, 2015
sarita

(KULDIP SINGH)
JUDGE