

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.8790 of 2014

Date of decision: 12.10.2015

Jagdish Kumar

.....Petitioner

versus

Manohar Lal

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Varun Jain, Advocate for the petitioner
Mr.Sanjiv Gupta, Advocate for the respondent

- 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)

After hearing both the parties, it comes out that the plaintiff filed a suit for declaration to the effect that the earnest money paid by defendant to the plaintiff on account of agreement of sale deed dated 5.12.2012 stands forfeited and said agreement stands redundant. Defendant had filed counter claim seeking specific performance of the agreement. Counter claim for that purpose is a plaint and the Court fee was required to be affixed. The lower Court rejected the application of the petitioner for directing the defendant to affix the Court fee on the counter claim.

Before this Court, it is not disputed by learned counsel for the defendant-respondent that Court fee is required to be affixed on the counter claim wherein relief for specific performance is

claimed. Learned counsel for the respondent seeks two months time to affix the Court fee.

Accordingly, the revision is allowed. Impugned order is set aside. Respondent-defendant is given two months time from today to affix the Court fee on the counter claim before the lower Court, failing which his counter claim shall stand rejected.

12.10.2015

gk

**(Kuldip Singh)
Judge**