

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

RSA No.1813 of 2012

Date of decision: 20.11.2015

Natha Ram

..... Appellant

Versus

Vinod Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Ramesh Sharma, Advocate for the appellant.

Mr. Rajinder Goyal, Advocate for respondent No.1.

ARUN PALLI, J. (Oral)

Suit filed by the respondent-plaintiff i.e. Vinod Kumar, praying for a decree of specific performance of the agreement, was decreed by the trial Court, vide judgment and decree dated 14.03.2011, for an alternate relief for recovery of ₹3,50,000/- along with interest at the rate of 12% per annum. Appellant-defendant No.1 preferred an appeal against the said decree and had also moved an application seeking permission to sue as an indigent person. The said application was dismissed by the Appellate Court vide order dated 15.9.2011, and the appellant-defendant No.1 was granted 30 days time to deposit the Court fee. Concededly, appellant-defendant No.1 failed to affix requisite Court fee, as a result the appeal was dismissed. For, it could not be proceeded with under Order 7 Rule 4 of the Code of Civil Procedure. That is how, appellant-defendant No.1 is before this Court.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that in case, the appellant would still

deposit the requisite Court fee, within a period of one month from today, his appeal be considered and decided on merits.

That being so, the order dated 14.10.2011, rendered by the Addl. District Judge, Kaithal is set aside subject to the condition that in case the appellant deposit/furnish the requisite Court fee, within a period of 30 days from today, his appeal (Civil Appeal No.169 of 2011) shall be considered and decided on merits by the Ist Appellate Court. And in the event of default, no further adjournment shall be granted and no application for extension of time shall be entertained.

Appeal is accordingly disposed of in above terms.

November 20, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**