

Civil Revision 4740 of 2016

-1-

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision 4740 of 2016(O&M)

Date of Decision: 27.7.2016

Rajaram

--- Petitioner

versus

Prempal

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vijay Sangwan, Advocate
for the petitioner**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition has been directed against order dated 24.5.2016 passed by the District Judge, Narnaul whereby the appeal preferred by the petitioner has been rejected for his failure to make

deficiency in court fee good within the time granted by the Court.

Counsel for the petitioner has submitted that the appeal was filed on 2.5.2016 and the impugned order has been passed on 24.5.2016 without providing sufficient time to pay the court fee and by disregarding the serious consequence likely to ensue. It is further submitted that the petitioner is more than 70 years of age and he is ready to pay the requisite court fee if one effective opportunity is granted for the purpose.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

Perusal of the impugned order would make it evident that the appeal was filed on 2.5.2016 and a court fee of Rs. 25/- was affixed in place of Rs. 53,300/- required to be paid. The case was adjourned to 16.5.2016 permitting the petitioner to make good deficiency in the Court fee. On his failure to do so, the case was adjourned for a week's time and on that day, the appeal was rejected for want of court fee.

The present case clearly demonstrates that the court of appeal has rendered the justice a causality, by acting in a tearing hurry even in absence of any contest to prayer of the petitioner. It can be said without hesitation that the maxim 'justice hurried is justice buried' squarely applies

to the present case. Had the appellate court been little sensitive and cautious that granting some more time to a poor litigant would not cause any prejudice to the system, the petitioner would have saved from unnecessary expense and inconvenience that he had to incur by knocking at the door of this Court all the way from a distance of more than 350 kilometers. This court does not expect such an indifferent attitude from a District Judge who is the face of judiciary at the district level and is expected to guide officers of District judiciary particularly the new recruits to conduct themselves in the interest of substantial justice. In view of the above, the impugned order cannot be allowed to sustain and accordingly set aside.

For the foregoing reasons, the petition is allowed. The petitioner is provided opportunity to make deficiency in court fee good within a period of one month.

On necessary compliance, the appellate court shall proceed with the appeal, in accordance with law.

(Rekha Mittal)
Judge

27.7.2016

PARAMJIT

Whether speaking/reasoned : Yes
Whether reportable : Yes