

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

CR No.5437 of 2013
Date of decision : 05.08.2016

Ram Pal and others

...Petitioners

Versus

Dharam Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Diwan S. Adlakha, Advocate for the petitioners.

Mr. A.K. Khunger, Advocate
for respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioners-plaintiffs are aggrieved of the impugned order, whereby an application moved at the instance of respondents-defendants under Order 7 Rule 11 CPC for rejection of the plaint for want of payment of advalorem court fees vis-a-vis relief of possession, has been allowed.

Mr. Diwan S. Adlakha, learned counsel appearing on behalf of petitioners-plaintiffs submits that as per the order dated 23.05.2016, this Court had adjourned the matter in order to enable the counsel to seek the instructions with regard to relief of possession.

He submits that his client is already in possession and moved

application for amendment of the plaint vis-a-vis consequential relief of possession as plaintiff is not claiming the relief of possession.

In view of the aforementioned fact and in view of the statement made at the bar as noticed above, it is made clear that the plaintiff cannot call upon to pay the advalorem court fees.

Order under challenge is set aside.

In view of the statement made by learned counsel for the petitioner with the condition that they shall move application within a period of two weeks from the receipt of the certified copy of the order to seek the amendment of the plaint which shall be considered.

In view of the aforesaid observations, revision petition stands disposed of in aforementioned terms.

05.08.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes