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

Civil Revision No.6574 of 2016

Date of Decision: 30.09.2016

JAGDISH CHANDER GODARA & ANR

.....Petitioners

Vs

KRISHAN KUMAR & ORS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. R.N. Lohan, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

[1]. In this revision petition, the petitioners have assailed order dated 23.08.2016 (Annexure P-2) passed by the trial Court, vide which plaintiffs have been directed to deposit the court fee on the next date of hearing.

[2]. Learned counsel for the petitioners contended that the direction incorporated in the impugned order is vague enough to meet the requirement of court fee, if any. Suit itself is for permanent and mandatory injunction, wherein no challenge has been made to any sale deed, nor possession has been sought.

[3]. In view of nature of order which this Court proposes to pass at this stage, there is no necessity of issuing notice of

motion, as no order prejudicial to the interest of the parties is being passed.

[4]. The impugned order dated 23.08.2016 appears to be non-speaking as no quantification of the court fee has been done, nor the reasons have been recorded as to how the plaintiffs are liable to deposit the court fee, keeping in view the nature of suit filed by them.

[5]. In view of aforesaid, the impugned order passed by the trial Court is hereby set aside. Trial Court is directed to pass speaking order after considering the facts and circumstances of the case. However nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The trial Court shall pass the order afresh in accordance with law.

[6]. Petitions stands disposed of accordingly.

September 30, 2016

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No