

Civil Revision No.6894 of 2013

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

Civil Revision No.6894 of 2013

Date of decision: 16.02.2016

Smt. Gianwati and another

....Petitioners

Versus

Dakshini Haryana Bijli Vitran Nigam Ltd. and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers 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 ?

Present: - Mr. Sanjay Mittal, Advocate, for the petitioners.

Mr. Bhupeshwar Jaswal, Advocate, for the respondents.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

The instant revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 25.05.2013 passed by learned Additional Civil Judge (Senior Division), Narnaul, whereby plaint filed by the petitioners has been rejected under Order 7 Rule 11 of the Code of Civil Procedure.

Brief facts of the case are that petitioners filed a suit under Section 33 Rule 1 of the Code of Civil Procedure as indigent persons claiming damages of Rs.15.00 lacs along with interest against the respondents. Learned Additional Civil Judge (Senior Division), Narnaul rejected the application of the petitioner holding that petitioners were not indigent persons and directed them to affix the requisite court fee by

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25.05.2013. Petitioners failed to affix the requisite court fee, therefore, the plaint of the petitioners has been rejected by learned Additional Civil Judge (Senior Division), Narnaul, vide order dated 25.05.2013. Hence, this revision petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioners states that the plaint has been rejected on the ground of non-payment of court fee, petitioners may be granted some time to deposit the requisite court fee.

Learned counsel for the respondents states that he has no objection if the time is granted to the petitioners to deposit the court fee.

Keeping in view the facts and circumstances of the case and that the rights of the parties cannot be closed on hypertechnical grounds, petitioners are granted three months' time to affix the requisite court fee. Petitioners will be at liberty to move appropriate application restraining their claim for compensation/damages. Whatever claim the petitioners will set up, they will be at liberty to deposit the court fee in accordance with law. On doing so within three months from today, the Court shall proceed with the suit in accordance with law.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

February 16, 2016
R.S.