

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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I attest to the accuracy and
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Civil Revision No. 8884 of 2015
Date of Decision: 5.1.2016

Rambhaj

---Petitioner

versus

Sobha Chand (since deceased) and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ravinder Malik, 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 filed under Article 227 of the Constitution of India lays challenge to order dated 4.12.2015 passed by the Civil Judge (Junior Division), Rohtak whereby the application filed by the petitioner under Order 7 Rule 11 read with Section 151 of the Code of Civil Procedure for rejection of claim for want of affixation of proper court fee has been dismissed.

Counsel for the petitioner would urge that as the plaintiffs (respondents herein) claimed relief of possession, they were required to pay court fee on the market value of the suit property but affixed court fee of ₹ 50/- only. It is further submitted that as the suit has not been properly valued for the purpose of court fee and jurisdiction, the respondents are liable to affix proper court fee failing which the plaint is liable to be

rejected.

I have heard counsel for the petitioner and gone through the records more specifically the order impugned in the petition.

Counsel for the petitioner is fair enough to concede that a specific issue has been framed by the trial court in regard to payment of proper court fee. The parties have already adduced evidence and the case is fixed for leading evidence in rebuttal, if any, and arguments. As the parties have already adduced evidence in support of their respective claims and the suit is already at the fag end of trial, the learned trial court has rightly rejected the application with the observations that issue regarding court fee would be decided by the court on the basis of evidence on record. I do not find any error much less infirmity in the impugned order as would call for intervention.

In view of what has been stated hereinabove, finding no merit, the petition is dismissed in limine.

(Rekha Mittal)
Judge

5.1.2016
PARAMJIT