

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

**CR No. 2580 of 2002 (O&M)
Date of decision: 14.03.2016**

Anil Kumar and others

... Petitioners

versus

Surjit Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Aayush Gupta , Advocate for the petitioner.

K.Kannan, J. (ORAL)

This revision is against the order granting extension of time for payment of Court fee through an order passed on 11.04.2002. It appears that the defendants filed an application for rejection of the plaint stating that the Court fee has not been paid and the Court had directed the Court fee to be paid within a month. The plaintiff did not pay the court fee within a month and preferred the revision against the order passed on 11.03.2002 directing the Court fee to be paid. This court appears to have dismissed the revision petition. This is cited by the defendant as a ground for allowing the revision petition and setting aside the order providing for extension of time.

The dismissal of the petition against the order passed on 11.03.2002 must be taken as confined only to an acceptance of the objection by the defendant for rejection of a plaint and ought not to be taken as disabling the plaintiff the benefit of prosecution of the suit, if the Court fee is paid later. The Court shall issue a notice directing the court fee to be paid within the time which it stipulates. If the court fee is paid as determined, within the time, the Court will treat it as a order by exercising its jurisdiction under Section 149 of the Civil Procedure Code. If the Court fee is not paid, the consequences of Order 7 Rule 11 (c) CPC will operate.

The revision petition challenging the extension of time granted originally is dismissed and at the same time the order already passed will stand modified to the extent that this Court had allowed for a fresh time to be fixed for payment of court fee.

The revision petition is dismissed with above observations.

After the order was pronounced, the counsel for the petitioners wants the revision to be dismissed as withdrawn. I decline that exercise, for, I have provided certain reliefs for the cause of justice for disposal of the case on merits.

(K.KANNAN)
JUDGE

14.03.2016

kv