

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

CR No. 3272 of 2017

Date of Decision: 03.10.2017

SUKHWINDER SINGH

-PETITIONER

VS

AMARJIT SINGH

-RESPONDENT

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

Present: Mr. Z.S. Chauhan, Advocate,  
for the petitioner.

Mr. Sushil Sharma, Advocate, and  
Mr. Amit Mahajan, Advocate,  
for the respondent.

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**RAJ MOHAN SINGH, J. (ORAL)**

[1]. Petitioner has assailed the order dated 30.01.2017 passed by Civil Judge (Junior Division), Phillaur whereby suit of the plaintiff was dismissed under Order 7 Rule 11 CPC for want of affixing the court fee.

[2]. Learned counsel for the petitioner submits that in a suit for recovery based on cheque dated 07.11.2013, an application under Section 149 CPC was filed along with the suit on 07.11.2016.

[3]. Demonitization took place on 08.11.2016. Thereafter, six opportunities were granted to the petitioner including the last opportunity for making good the deficiency in court fee, but the

same was not made good and ultimately, the trial Court vide order dated 30.01.2017 dismissed the suit under Order 7 Rule 11 CPC.

[4]. Learned counsel for the petitioner seeks one opportunity to affix the requisite court fee subject to payment of adequate costs.

[5]. Learned counsels appearing on behalf of the respondent have no serious objection to the prayer of learned counsel for the petitioner, however subject to heavy costs.

[6]. Having heard the submissions made by both the parties, I am of the view that due to some inevitable happening in the form of demonitization, the petitioner is given one opportunity to make good the deficiency in court fee subject to payment of costs of Rs.20,000/- to be paid to the respondent.

[7]. Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

[8]. Disposed of.

03.10.2017  
*jyoti*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No