

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

(124)

CR-4392-2017

Decided on: July 10, 2017.

Dal Chand

.... Petitioner

Versus

Rajan Devi

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Gurinder Pal Singh, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Application of the defendant-petitioner for dismissal of the suit of the plaintiff-respondent under Order 7 Rule 11 CPC, has been dismissed vide impugned order.

With the assistance of learned counsel for the petitioner, I have gone through the pleadings.

The plaintiff-respondent appears to have filed a suit for possession and permanent injunction of a land which is claimed to be ownership of the plaintiff-respondent. The status of the petitioner and the title of the plaintiff-respondent would be the material factors required to be adjudicated upon in the suit.

It will not be appropriate to express any opinion whether the circumstances of the present case warrant affixation of advelorum Court fee. A mixed question of law and fact appears to arise for final adjudication regarding the determination of the Court fee which is to be fixed on the plaint.

In view of said circumstances, this petition is disposed of, at this stage, holding that order dated 10.01.2017 will not debar the raising of

the plea of inadequate Court fee by the defendant. Adjudication of the issuing of Court fee is left open to be determined by the trial Court at the time of final decision which will not be infringed in any observation made in order dated 10.01.2017.

(M.M.S. BEDI)
JUDGE

July 10, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No