

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5104 of 2017 (O&M)
Date of Order:29.11.2017

Mohinder Kumar

..Petitioner

Versus

Baldev Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.K.Singla, Advocate,
for the petitioner.

Ms. Ritam Aggarwal, Advocate,
for the respondent.

ANIL KSHETARPAL, J (Oral)

The revision petition is not maintainable in view of the judgment passed by the Hon'ble Supreme Court reported as **Sri Ratnavaramaraja v. Smt. Vimla, AIR 1961 SC 1299.**

In this case, defendant is in revision petition. Initially he filed an application for rejection of the plaint, on the ground that proper Court fee has not been affixed. The Court directed the plaintiff to make up the deficiency in the payment of Court fee. The aforesaid deficiency was made good. Thereafter, defendant filed a fresh application for directing the plaintiff to affix the Court fee on the market value of the shop/house. That application has been rejected by the trial Court.

It has been held by the Hon'ble Supreme Court in the judgment reported as **Sri Ratnavaramaraja v. Smt. Vimla, AIR 1961 SC 1299,** that the defendant has no right to file an appeal or revision against the aforesaid order. Hence, the present petition is found to be not maintainable. The

judgment passed by the Hon'ble Supreme Court has been followed by this Court in number of cases.

In view of what has been stated hereinabove, the revision petition is dismissed being not maintainable.

November 29, 2017
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(ANIL KSHETARPAL)
JUDGE

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