

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

CR No.6381 of 2017
Date of decision :19.09.2017

Janak Raj ...Petitioner

Versus

Priya and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Vijarana, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

Defendant is in revision petition against order passed by trial Court dismissing application under Order 7 Rule 11 CPC.

Defendant had filed an application for rejection of the plaint, on the ground that ad-valorem Court fee has not been fixed. The aforesaid application was dismissed by the trial Court on 03.08.2017.

Defendant has challenged the aforesaid order. The Hon'ble Supreme Court in Sri Rathnavarmaraja v. Smt. Vimla, AIR 1961 SC 1299 has held that revision petition at the hands of the defendant is not maintainable against order dismissing application under Order 7 Rule 11 CPC for directing payment of ad-valorem Court fee. It has been held that the defendant has no right to file any appeal or revision against order of the trial Court, dismissing application for direction to the plaintiff to affix ad-valorem Court fee.

In view of the aforesaid, the revision petition filed by the petitioner-defendant is not maintainable.

Hence, the revision petition is dismissed.

19.09.2017
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**(ANIL KSHETARPAL)
JUDGE**

Whether Speaking/reasoned : No
Whether Reportable : No