

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

Civil Revision No.1593 of 2018 (O&M)

Date of Decision: March 16, 2018

Som Lal

...Petitioner

Versus

Kamaljit @ Anita and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Sandeep Arora, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This revision has been filed impugning the order dated 25.01.2018 passed by Ld. Civil Judge (Junior Division), Jalandhar, whereby, the application of the petitioner under Order 7 Rule 11 of the Code of Civil Procedure for rejection of the plaint has been dismissed.

The plaintiff filed a suit claiming $\frac{1}{2}$ share in the estate of her mother Mindo, who was working as a Peon in the office of Executive Engineer, Central Works Division PWD (B&R), Jalandhar and died on 8.4.2014. It was her case that her mother left behind a daughter (plaintiff) and a son Som Lal (present petitioner) as her only legal heirs who both were entitled to succeed to her estate to the extent of $\frac{1}{2}$ share each. She accordingly claimed that she was entitled to $\frac{1}{2}$ share of her retiral benefits. The petitioner, who was defendant No.6 in the suit filed the application under Order 7 Rule 11 CPC for rejection of the plaint on the ground that the plaintiff had not affixed ad volerm court fee on the value of the suit.

Ld. Court dismissed the application holding that it was a matter of evidence, whether the plaintiff would be entitled to the benefits or not and if so, to what extent. As the share of the plaintiff was yet to be determined by the Court, there was no need to affix ad volerm court fee.

There is no infirmity in the aforesaid order. The Court can require the plaintiff to deposit the Court fee at any subsequent stage or even pass a conditional decree subject to payment of court fee.

Hence, the revision is dismissed..

March 16, 2018

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No