

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

CR No.2359 of 2017 (O&M)

Date of decision : 02.05.2018

Ranjit Kaur and others

...Petitioners

Versus

Dalvir Singh @ Dalbir Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Dhillon, Advocate for the petitioners.

Mr. Vikram Anand, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

The defendants-petitioners are in the revision petition against the order passed by the learned trial Court dismissing the application filed under Order 7 Rule 11 CPC pointing out the payment of insufficient Court fee.

Learned trial Court has observed that the defendants are at liberty to pray for framing of the specific issue and the Court would thereafter decide the issue of insufficient Court fee after granting opportunity to the parties to lead evidence.

In the considered opinion of this Court, application under Order 7 Rule 11 CPC is to be decided on the basis of the assertions made in the plaint. In the plaint, the plaintiff has affixed the Court fee of ₹5,350/- after assessing the value of the property for the purpose of possession at

₹1,00,000/-. Once the defendants-petitioners have been granted liberty to seek framing of the issue and the objection with regard to the insufficient court fee has been kept open, this Court does not feel that the order under challenge is required to be interfered with.

In view of the above, the present revision petition is dismissed.

02.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No