

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

CR No.263 of 2017(O&M)
Date of Decision:14.05.2018

Lal Chand @ Lalu Ram

.....Petitioner

Vs.

Somesh Kumar Bishnoi

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.Anil Kumar Sharma, Advocate for the petitioner.

Mr.Kuldeep Attri, Advocate for the respondent.

RAMENDRA JAIN J. (ORAL)

Service is complete.

Vakalatnama filed on behalf of the respondent along with his affidavit to the effect that he has no objection in allowing the present petition.

In nutshell, the suit of the petitioner for declaration and possession was decreed by the learned trial Court vide judgment dated 13.10.2016 with direction to the plaintiff to affix advalorem court fee on the sale consideration of sale deed no.10291 dated 10.08.2007 within one month. However, the petitioner could not pay the require Court fee, as per the direction aforesaid in time. Resultantly, he moved application for extension of time to pay the same, which was dismissed vide impugned order dated 14.12.2016(Annexure P-5).

A perusal of the impugned order dated 14.12.2016 of the trial Court clearly spells out that the petitioner could not deposit the advalorem court fee within the stipulated time fixed by the trial Court. Consequently, the application was dismissed and the original stamp paper were ordered to be

returned to the applicant.

The reason assigned by the petitioner for not depositing the advalorem court fee was that on account of demonetization, the bankers were over-burdened with work. He could get the stamp paper only on 28.11.2016 late in the evening and filed the application before the trial Court on 29.11.2016.

In the affidavit submitted by the respondent before this Court, it is specifically mentioned that he has no objection, if the application moved by the petitioner is allowed so as to render the judgment and decree dated 13.10.2016 effective.

In view of the foregoing reasons, coupled with the fact that the respondent has no objection in allowing the present revision, the same is allowed. The impugned order dated 14.12.2016 passed by the learned Civil Judge (Jr. Div.), Gurgaon, is set aside. The advalorem court fee in the shape of original stamp paper shall be deemed to have been deposited before the trial Court within limitation. The trial Court is directed to place the original stamp paper on record and proceed further with the case in accordance with law.

14.05.2018
Anjal

(Ramendra Jain)
Judge

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No