

(231)

CR-316-2016

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

CR-316-2016

Decided on: May 10, 2018.

VAKIL

.... Petitioner

Versus

PARAMJIT AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Sanjiv Kumar Aggarwal, Advocate
for respondents No. 1 and 2.

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KULDIP SINGH, J(ORAL)

This is an petition filed under Article 227 of the Constitution of India praying for setting aside the order dated 14.09.2015 passed by the learned Additional District Judge, Kaithal whereby application filed by the petitioner/appellant under Section 148/149 CPC read with Section 151 of CPC for seeking extention of time to deposit the court fee has been dismissed.

It needs out to mention here that an appeal was filed on 12.03.2015 by Nazra S/o Hem Raj (now deceased) through his legal representatives as indigent person before the Court of Additional District Judge, Kaithal which was dismissed vide order dated 14.09.2015 for non-payment of court fee. It is stated that vide order dated 27.08.2015 the permission sought by the appellant for filing the appeal being indigent

person was rejected, and in the larger interest of justice on 27.08.2015 the time was granted to make the payment of court fee upto 07.09.2015. On 07.09.2015, the appellant appeared and made a statement that he be given some more time to make the payment of the court fee and the case was adjourned to 14.09.2015. Thereafter, the application was filed seeking extension of time which was dismissed.

I am of the view that the suit is for specific performance of agreement to sell. Learned counsel for the petitioner states that petitioner is a farmer and has no other source of income except from agriculture land. Earlier he could not arrange to deposit the court fee which is about ₹ 88,000/-. Now he has arranged the funds. I am of the view that when the petitioner is ready to make good the deficient court fee, the Court should not be rigid in extending the time, and the matter should allowed to be decided on merits.

In view of the above the impugned order dated 14.09.2015 is set aside and the petition is allowed. The petitioner is granted 30 days time from today to make good the deficiency of court fee and if the court fee is not deposited within the above said stipulated time, then the present revision shall be deemed to have been dismissed.

(KULDIP SINGH)
JUDGE

May 10, 2018.
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No