

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

240

CR No.4045 of 2017 (O & M)
Date of Decision:22.03.2018

Parkash Kaur (since deceased) through LRs

...Petitioner

Versus

Ranjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Kaith, Advocate
for the petitioner.

Mr. S.S. Bains, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-petitioner is in the revision petition against the order dismissing the application for permission to deposit cost of Rs.1,000/- awarded by the Court vide order dated 01.10.2013, when the plaintiff was permitted to withdraw the previous suit with permission to file fresh one.

Plaintiff-petitioner, after the order dated 01.10.2013, filed a fresh suit as permitted by the Court. It is the case of the plaintiff that on filing of the suit when the defendant appeared, the cost was offered to be paid to the defendant but she refused to receive. Thereafter, she was proceeded against ex parte, which was later on set aside. At the time of the setting aside the ex parte, the cost was once again offered but it was not accepted. Hence, the plaintiff filed an application for deposit of the cost.

Learned Court below has dismissed the application on the ground that such cost was to be deposited before filing of the suit.

It is not in dispute that the trial has made substantial progress

had already concluded his evidence. Technically, once the plaintiff has offered to pay the cost, there is no reason why the Court would refuse to accept the cost, which would result in dismissal of the subsequent suit.

In view thereof, the order under challenge is set aside. Plaintiff is permitted to deposit the cost awarded with the Legal Services Authority, Chandigarh.

Hence, the revision petition is allowed.

22.03.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No