

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R.No.6047 of 2015 (O&M)

Date of Decision: May 30, 2018

Vir Bhan

...Petitioner

Versus

Raj Dulari (since deceased) through L.Rs & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Sushil Bhardwaj, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Present revision is directed against the order dated 5.3.2015 (Annexure P-4), whereby the application filed by the petitioner for withdrawal/refund of the court fees amounting to 68,400/- affixed in a suit seeking declaration challenging the gift deed dated 5.11.2007 which was later on withdrawn, has been dismissed.

Mr.Sushil Bhardwaj, learned counsel for the petitioner submitted that the aforementioned suit was filed by Rehti Devi, mother of the petitioner. The same was withdrawn by the plaintiffs. During the life time of Rehti Devi, the Court had passed the order for affixing the court fees, but the same was affixed by the petitioner being legal representative, thus, the application has erroneously been dismissed.

This Court had issued notice of motion, but there is no representation on behalf of the respondents despite service. Accordingly, I proceed to decide the present revision petition.

I have heard the learned counsel for the petitioner and appraised the paper book.

The petitioner was not a party in the suit. The suit was filed by his mother Rehti Devi. During the pendency of the suit, she died. Her legal representations had been brought on record. Subsequently, the suit was withdrawn. The court fees, ordered by the trial Court, was affixed on 23.4.2011 by plaintiff Rehti Devi through her counsel. On 24.10.2011, an application for impleadment of the legal representatives was moved by Vir Bhan on the premise that Rehti Devi died on 9.7.2011, though the court fees was affixed when Rehti Devi was alive. In such circumstances, the petitioner would not have any cause of action to seek refund of the court fees. This is what the import of the order under challenge. Thus, the order cannot be said to be suffering from illegality or perversity.

For the reasons stated above, no ground for interference is made out. Resultantly, the revision petition is dismissed.

May 30, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No