

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CR No.6231 of 2017 (O&M)

Date of decision: 22.01.2018

Krishan Lal Kohli

..... Petitioner

Versus

Ravinder Mohan Kohli and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Petitioner in person.

Mr. Chetan Bansal, Advocate
for respondent No.1 and 3.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in the revision petition against the order passed by the trial Court dismissing the application under Order 7 Rule 11, CPC.

Petitioner has submitted that the plaintiffs have not affixed the proper Court fee and the plaintiffs do not disclose any cause of action in the suit. As regards the question of payment of Court fee, this Court is of the considered opinion that the revision is not maintainable at the hands of defendant whose application under Order 7 Rule 11, CPC was dismissed. As per the judgment of the Hon'ble Supreme Court delivered in Sh. Rathnavarmaraja Vs. Smt. Vimla, AIR, 1961 SC, 1299, the defendant is not entitled to file any appeal or revision against the dismissal of his application for direction to the plaintiffs to pay appropriate Court fee.

Next submission of petitioner is that the plaint does not disclose cause of action against him. It will be noted that the plaintiffs have

filed a suit for partition of various properties which are alleged to be joint between the parties. It is the case of the plaintiffs that they and the defendants are members of the joint Hindu family and partition of the properties joint between the parties has been prayed for. Plaintiffs have further asserted that the defendant is refusing to give them their share although repeated request has been made.

In view of the aforesaid, it cannot be concluded that the plaintiffs have not disclosed any cause of action.

There is no scope for interference in the order passed by the Court.

Revision petition is dismissed.

22.01.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No