

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

124

CR No.698 of 2017 (O & M)
Date of Decision:05.04.2018

Charan Singh

...Petitioner

Versus

Anand Mohan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

ANIL KSHETARPAL, J.(Oral)

Although, notice has been served on respondent No.1. However, no one has come present to contest the petition. First appeal preferred by the petitioner has been dismissed by the Court on account of failure to deposit the requisite Court fee.

A reading of the order shows that certain opportunities were granted but the petitioner did not deposit the Court fee. Application under Section 149 of the Code of Civil Procedure for extension of time for deposit of the court fee was filed, which was also dismissed. Petitioner filed an application seeking review, which was also dismissed.

However, learned counsel for the petitioner has submitted that the requisite court fee has already been deposited although bit late. No doubt, the petitioner has failed to deposit the Court fee as ordered, however, taking into consideration that the appellant/petitioner is more than 82 years old and he has already deposited the requisite Court fee, this Court is of the opinion that delay in deposit of the Court fee deserves to be condoned.

Hon'ble Supreme Court while dealing with the similar issue has

laid down that the Courts should not draw adverse inference against the party, who has failed to deposit the Court fee on account of financial incapacity. The expression “sufficient cause” has to be liberally construed and the Courts must to adopt justice oriented approach. Reference in this regard can be made to judgment passed by the Hon'ble Supreme Court reported as (2014) 4 SCC 163 “*Manoharan vs. Sivarajan and others*”.

In view thereof, the impugned orders are set aside. As noticed earlier the deficiency in the Court fee has already been made good. The first appeal filed by the petitioner is restored to its original number.

Learned First Appellate Court is requested to proceed with the appeal on merits.

Revision petition is allowed.

05.04.2018
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(ANIL KSHETARPAL)
JUDGE

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