

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

124

CR No.7542 of 2017 (O & M)
Date of Decision:27.03.2018

Gurcharan Singh

...Petitioner

Versus

Nensi Bansal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S. Bhinder, Advocate
for the petitioner.

Mr. R.M. Sharma, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Defendant No.2-petitioner is in the revision petition against the order passed by the learned trial Court directing the petitioner to affix ad valorem Court fee on the sale consideration within one month on the counter claim.

Learned counsel for the petitioner has submitted that the petitioner has now arranged the amount and is ready to affix the Court fee. On the other hand, learned counsel for respondent No.1 (defendant No.1 in the learned trial Court) pointed out that application under Order 7 Rule 11 of the Code of Civil Procedure was filed on two grounds i.e. (i) rejection of the counter claim for non-payment of Court fee; (ii) no counter claim is maintainable against the co- defendant.

It is admitted position on the record that the second issue i.e. rejection of the counter claim on the ground that it is not maintainable against the co-defendant, has not been adjudicated upon by the learned trial

Taking into consideration the aforesaid fact, the petitioner is permitted to make up the deficiency in the Court fee as ordered by the learned trial Court within one month from today.

Learned trial Court is also requested to adjudicate upon the application under Order 7 Rule 11 of the Code of Civil Procedure with regard to maintainability of the counter claim against the co-defendant.

Revision petition is disposed of.

27.03.2018

sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No