

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 7731-2017 (O&M)
Date of decision: 11.01.2018

Raunki Ram

.....Petitioner

versus

Narinder Kumar and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Yowan Sharma, Advocate for the petitioner
Mr.Vivek Goyal, Advocate for the respondent no.1

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Respondent no. 2 is served through trial Court counsel but no body is present on his behalf.

Petitioner is aggrieved of the order dated 12.10.2017 (Annexure P9) passed by learned Civil Judge (Junior Division), Panchkula, vide which, his application under Order 7 Rule 11 CPC has been dismissed.

In short, it comes out that plaintiff had filed a suit for permanent injunction and converted into specific performance on 9.8.2011. He affixed the Court fee on 26.2.2015 and it was objected to by the defendant that it is time barred and prayer was made for rejecting the claim which has been declined.

This Court has been informed that now case is fixed for final arguments. Therefore, at this juncture, this Court does not deem it fit and proper to decide upon the question as to whether the main suit is to be

rejected or not.

In these circumstances, the present petition is disposed of with the directions that the question of delayed affixing of Court fee being time barred is kept open. The counsel for appellant/defendant can address the arguments on this point in the main case and the lower Court is directed to record specific finding on the said contention while passing the final judgment.

Observation made by the lower Court in the impugned order shall not be taken into consideration while recording findings on the merits of the case. Counsel for the petitioner wants to file written arguments. If these are filed, the same shall be taken on record by the trial Court and be discussed in the final judgment.

11.01.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No