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

CR No. 8432 of 2017

Date of Decision: 16.07.2018

Santosh @ Sheela Devi

....Petitioner

Vs

Ravi Kumar and another

.....Respondents

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Gurinder Pal Singh, Advocate,  
for the petitioner.

Mr. M.S. Rana, Advocate,  
for respondent No.1.

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**RAJ MOHAN SINGH, J.(Oral)**

1. Petitioner has preferred this revision petition against the order dated 24.05.2017 passed by Additional District Judge, Rewari vide which the application for deposit of the Court fee moved by respondent No.1 was allowed.

2. Against judgment and decree dated 16.10.2014 passed by Additional Civil Judge (Senior Division), Rewari, two appeals were preferred before the lower Appellate Court. The appeal preferred by the petitioner was duly accompanied by requisite Court fee whereas the appeal filed by the plaintiff-respondent herein was deficient in terms of Court fee. No objection was raised at the relevant time.

3. On 24.05.2017, an application was moved by the plaintiff-appellant before the lower Appellate Court for making good the deficiency in Court fee and the same was allowed.

4. Learned counsel for respondent No.1/plaintiff has placed on record challan dated 22.04.2017 vide which an amount of Rs.1,04,050/- was deposited in the Treasury.

5. Since the Court fee has already been deposited by plaintiff-respondent No.1, even in case of deficient Court fee, a show cause notice is required to be given for making good the deficiency. The very objection raised by the petitioner in respect of Court fee would amount to issuance of notice to plaintiff-respondent No.1 and consequently, the deposit allowed by the trial Court vide the impugned order and ultimately made by respondent No.1 would suffice to meet requirement of Court fee in pending appeal.

6. The controversy of such nature, in my considered opinion, is not sufficient to be tested while exercising powers under Article 227 of the Constitution of India.

7. This revision petition is accordingly, dismissed.

16.07.2018

*Jyoti Yadav*

**(RAJ MOHAN SINGH)  
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No