

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

105

RSA-4716-2015 (O&M)

Date of Decision : 06.08.2018

Tilakraj Gogia

..... Appellant

Versus

The Chief Administrator, Haryana Urban  
Development Authority and another

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present :- Mr. B.D.Rama, Advocate for  
Mr. Adarsh Jain, Advocate  
for the appellant.

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**AJAY TEWARI, J. (Oral)**

On 09.02.2016 the following order was passed :-

*“Appellant has sought the relief of declaration as well as the direction to the defendant to pay him a sum of Rs. 35,12,765/- at the rate of 18 % on the ground that defendants have received excess amount and construction costs has increased. Thus, impliedly he is seeking the recovery of the damages and was require to affix the Court fees.*

*He wants time to argue on this issue as to whether the court fees as required to be affixed or not.*

*Post the matter on 21.03.2016.”*

Thereafter, on 05.02.2018 the following order was passed :-

*“Yet another request for adjournment. The matter had been adjourned repeatedly to enable the appellant to show why he is not liable to affix court fees. Though there is no justification but on the persistent request of the counsel, the matter is adjourned to 06.08.2018.*

*It is made clear that no further adjournment shall be granted.”*

It is not disputed that one of the reasons which weighed the Courts below for dismissing the suit was the fact that the appellant had very obdurately insisted that the suit was maintainable without fixing *ad valorem* Court fee. Today learned counsel states that he may be permitted to withdraw this appeal, first appeal and the suit with liberty to file a fresh one on the same cause of action after affixing the Court fee.

Allowed subject to limitation.

Dismissed as withdrawn.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

( AJAY TEWARI )  
JUDGE

06.08.2018  
*pooja sharma-I*

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No