

In the High Court of Punjab and Haryana at Chandigarh

RSA- 5037 of 2018(O&M)
Date of Decision: 14.11.2018

Jaspal Singh

---Appellant

versus

Surjeet Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sushil Kumar Verma, Advocate
for the appellant**

Rekha Mittal, J.

Challenge in the present appeal has been directed against concurrent findings recorded by the courts whereby suit for recovery filed by the respondent-plaintiff was decreed by the Gram Nyayalaya, Rania vide judgment and decree dated 5.2.2016 and the appeal preferred by unsuccessful defendant-appellant did not find favour with the court of Additional District Judge, Sirsa.

Counsel for the appellant would argue that the respondent-plaintiff filed suit for recovery of Rs. 64,200/- i.e. Rs. 60,000/- as principal and Rs. 4200/- qua interest on the basis of affidavit dated 6.3.2013 purported to be executed by the appellant in favour of the respondent-plaintiff. It is submitted that the respondent-plaintiff paid court fee of Rs. 50/- as against the court fee payable on the amount sought to be recovered, therefore, the judgments and decrees passed by the courts are liable to be set

aside.

Section 24 of the Gram Nyayalayas Act, 2008 deals with special procedure in civil disputes. Sub Section (1) of Section 24 relevant in the present context, reads as follows:-

“Notwithstanding anything contained in any other law for the time being in force, every suit, claim or dispute under this Act shall be instituted by making an application to the Gram Nyayalaya in such form, in such manner, and accompanied by such fee, not exceeding rupees one hundred, as may be prescribed by the High Court, from time to time, in consultation with the State Government.”

Counsel for the appellant would refer to proposed Punjab and Haryana Gram Nyayalayas Rules, 2014 to contend that under Rule 8, court fee upto maximum of Rs. 100/- shall be affixed on every application or complaint but in respect of all other matters, court fee shall be as per the provisions of the Court-fees Act, 1870.

Counsel for the appellant, in response to a query, is not in a position to commit that proposed rules have attained finality or have come into force with effect from a particular date. As per information received by this court, the proposed rules have not attained finality, therefore, the appellant cannot derive any advantage to his contention from the provisions contained in the proposed rules to contend that court fee affixed by the respondent is less or the same is liable to be recovered from the respondent.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly

dismissed in limine.

(Rekha Mittal)
Judge

14.11.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No