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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA 910/2018

M/S VIDYASHA PHARMACEUTICALS

..... Appellant

Through: Mr. Pinaki Addy, Advocate with Ms.
Sharda Garg, Advocate (M.
No.9899355811).

versus

M/S ZYING LIFESCIENCES AMBALA AMBALA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **02.11.2018**

C.M. No.46220/2018(exemption)

1. Exemption allowed subject to just exceptions.

C.M. stands disposed of.

+RFA No.910/2018

2. By this appeal, the appellant impugns the order of the Trial Court dated 24.9.2018 rejecting the plaint under Order 7 Rule 11 of Code of Civil Procedure, 1908 (CPC) on account of not paying the requisite court fee. It is noted that the suit was filed on 29.8.2018 and thereafter till passing of the impugned order on 24.9.2018, deficient court fee was not made good,

and therefore, the suit plaint was rejected under Order 7 Rule 11 CPC.

3. Counsel for the appellant states that appellant is definitely guilty but the suit for recovery of Rs.7,67,580/- if is rejected for non-payment of court fee, serious prejudice will be caused to the appellant/plaintiff.

4. Accordingly, the impugned order dated 24.9.2018 rejecting the plaint is set aside and the appellant/plaintiff is granted time to make up the deficiency in the court fee by filing the same before the concerned trial court which passed the impugned order within two weeks from today positively but subject to the appellant depositing within one week from today a sum of Rs.5,000/- with the website www.bharatkeveer.gov.in and receipt whereof will be filed before the trial court alongwith deficient court fee. Impugned order dated 24.9.2018 is set aside and the appellant will now appear before the trial court of Sh. Manish Gupta, ADJ-4 (North West), Rohini Courts, Delhi on 20th November, 2018, and the trial court will decide the suit in accordance with law.

5. Appeal is accordingly disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

NOVEMBER 02, 2018/Ne