

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

CR-1762-2018 (O&M)
Date of decision : 9.4.2019

Tej Ram

..... Petitioner

Versus

Tara Wati and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Suresh Kumar Kaushik, Advocate for the petitioner.

Mr. Rakesh Dhiman, Advocate for respondent No. 1.

KULDIP SINGH, J.

Heard.

Petitioner seeks setting aside of the impugned order dated 18.1.2018 (Annexure P-7), passed by learned Additional District Judge, Gurugram as well as the impugned order dated 19.9.2015 (Annexure P-5) passed by learned Civil Judge (Junior Division), Gurugram vide which the plaint filed by the petitioner was rejected for non payment of ad-valorem Court fee.

It comes out that way back in the year 2013, an order was passed by learned trial Court to pay the ad valorem Court fee but the same was not filed. However, the petitioner moved a revision petition i.e. **CR-318-2013**, titled as **'Tarawati vs. Tej Ram @ Tej Pal and another'** before this Court which was allowed on 7.7.2015 giving two months time to

applicant-respondent No. 1 to affix the ad-valorem Court fee. Against the said order, Special Leave Petition was also filed before the learned Apex Court which was also withdrawn. In the meanwhile, petitioner was directed by learned trial Court to pay the ad-valorem Court fee. He did not pay the ad-valorem Court fee within the requisite period of two months on the ground that he has filed the Special Leave Petition before the learned Apex Court.

Learned counsel for the petitioner contends that he is ready to pay the Court fee and should be granted time for the same. He further relies upon an authority of this Court contained in CR-3925-2013, titled as 'Harcharan Singh vs. Pushpa Devi and others' to press that the Court has got the ample power to grant time to deposit the Court fee.

I am of the view that extension of time is not to be decided in the present revision but in the earlier petition filed before this Court. Two months' time was granted by this Court. Therefore, in the present revision time cannot be extended.

Learned counsel for the petitioner further contends that suit is for recovery of Rs. 37.00 lacs and applicant-respondent No. 1 will suffer huge loss. I am of the view that applicant-respondent No. 1 should have been careful and should have complied with the order passed by this Court.

Learned trial Court has observed that there is no stay and the ad-valorem Court fee was not paid. Therefore, vide the order impugned, plaint was rejected on 19.9.2015. Appeal against the said order was dismissed by learned Additional District Judge, Guguram vide order dated 18.1.2018.

I am of the view that the matter is hanging fire for last about six years. Learned trial Court vide order dated 30.11.2012, dismissed the application moved by the defendants under Order VII Rule 11 of the Code of Civil Procedure. In revision, this Court allowed the said revision on 7.7.2015 and ordered the applicant-respondent No. 1 to pay the ad-valorem Court fee within two months. Despite that the ad valorem Court fee was not paid. As such there is no ground to grant more time to the applicant-respondent No. 1 to pay the ad-valorem Court fee.

In view of above, I do not find any illegality or infirmity in the order dated 18.1.2018 (Annexure P-7), passed by learned Additional District Judge, Gurugram as well as the order dated 19.9.2015 (Annexure P-5) passed by learned Civil Judge (Junior Division), Gurugram.

Dismissed.

(KULDIP SINGH)
JUDGE

9.4.2019
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No