

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-4459-2019  
Date of decision: 18.07.2019

Surender

...Petitioner

V/s.

Shri Ram Narayan

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

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**RITU BAHRI, J. (Oral).**

This revision has been filed against the order dated 15.01.2019 whereby appeal filed by the petitioner and stay application were dismissed under Order 41 Rule 17 of CPC on account of non deposit of ad-valorem court fee.

Learned counsel for the petitioner refers Sections 149 and 151 of Code of Civil Procedure 1908 to contend that deficiency in court fee can be made at any stage as per the directions given by the Court under the inherent jurisdiction of the Court. In the present case, the appeal was instituted on 27.04.2018 against the judgment dated 27.03.2018 within the limitation and petitioner being a villager was not informed by his counsel to deposit ad-valorem court fee. The petitioner received notice in execution which was fixed for 24.07.2019, then only he came to know that his appeal had been dismissed vide impugned order dated 15.01.2019.

Keeping in view the provisions of Sections 149 and 151 of Code of Civil Procedure 1908, as well as judgment passed by Hon'ble

Supreme Court passed in *H. Dohil Constructions Co. (P) Ltd. V/s. Nahar Exports Ltd.*, 2014(4) RCR Civil 653, revision is allowed and order dated 15.01.2019 is being set aside. The petitioner is directed to make ad valorem court fee within a period of two weeks from the date of receipt of certified copy of this order and trial Court is directed to proceed the appeal against the judgment dated 27.03.2018 in accordance with law.

The execution proceedings shall be stayed in the meantime subject to payment of Rs.5,000/- as costs to be deposited with District Legal Services Authority, Hisar.

**(RITU BAHRI)**  
**JUDGE**

**18.07.2019**

**Divyanshi**

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |