

CR No. 6934 of 2019

Date of Decision : 02.11.2019

Ashok Kumar

...Petitioner

Versus

Prem Chand Mittal and others

...Respondents

CORAM : HON'BLE MR. JUSTICE LALIT BATRA

Present : Mr. Rahul Jaiswal, Advocate for the petitioner/plaintiff.

This revision petition has been moved at the instance of Ashok Kumar (petitioner/plaintiff) impugning the legality of order dated 19th September, 2019 (Annexure P-5) rendered by Civil Judge (Junior Division), Samalkha, District Panipat, in terms of which, application under Order 7 Rule 11 CPC moved by respondents/defendants for rejection of plaint on the ground of non deposit of *ad valorem* Court fee by petitioner/plaintiff, has been allowed and resultantly, petitioner/plaintiff has been directed to deposit *ad valorem* Court fee as per Collector rate of suit property. It is pertinent to mention here that since on the scheduled date of hearing (18th October, 2019), petitioner/plaintiff could not deposit *ad valorem* Court fee, he sought time from the trial court and then vide order dated 18th October, 2019 (Annexure P-6), trial Court while invoking provisions of Section 148 CPC extended the said time till 04th November, 2019 to make good deficiency of Court fee.

Learned counsel for the petitioner/plaintiff at the very outset submits that petitioner/plaintiff does not want to proceed further with

instant revision petition and the same may be dismissed as withdrawn. However, learned counsel for petitioner/plaintiff urges that since petitioner/plaintiff is in financial difficulty, he may be permitted to deposit the *ad valorem* Court fee by extending the period as enlarged by trial Court, vide order dated 18th October, 2019.

In view of above, instant revision petition impugning the legality of order dated 19th September, 2019 (Annexure P-5) moved at the instance of petitioner/plaintiff, is dismissed as withdrawn. However, trial Court while invoking provisions of Section 148 CPC may enlarge the time for deposit of *ad valorem* Court fee but strictly within four corners of above said provisions of CPC.

Copy of this order be supplied to learned counsel for petitioner/plaintiff under the signature of Reader of this Court.

(LALIT BATRA)
JUDGE

02.11.2019
Manpreet

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No