

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

**SAO No.24 of 2018 (O&M)
Date of Decision: March 18, 2019**

Bhura Singh

.....APPELLANTS

VERSUS

Modan Singh and others

....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for the appellant.

Mr. Gurcharan Dass, Advocate
for the respondents.

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for the respondents submits that Ist Appellate Court remanded the case on the issue of payment of ad valorem court fee and he has no objection if the matter regarding payment of court fee is decided by the trial Court after recording complete evidence while deciding the suit on merits.

In view of submissions of learned counsel for the respondents, the appeal is accepted. The order dated 14.12.2017 passed by the Ist Appellate Court is modified to the extent that the trial Court while deciding the case on merits will also decide the factum of payment of ad valorem court fee on the counter claim and pass appropriate order to this effect.

Copy of this order be conveyed to the trial Court.

March 18, 2019

Jyoti-II.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No