

C.R. No.3576 of 2018 (O&M)
Date of Decision.27.05.2019

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Ms. Bhagyashri, Advocate for
Mr. Alok Jagga, Advocate
for the respondent.

AMIT RAWAL J. (ORAL)

The petitioner-defendant moved an application under Order 7 Rule 11 CPC for rejection of plaint. The trial Court after receiving reply, dismissed the application by keeping the question of court fee to be seen at the final stage.

Per contra, Ms. Bhagyashri, learned counsel appearing for the respondent submitted that the order passed by the trial Court is perfectly legal and justified. The Court would render the decision on

the preponderance of evidence and the court fee deficiency, if any, can always be made good at the appropriate stage.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit. The order under challenge is perfectly legal and justified, as the question of payment of court fee is between court and the plaintiff. Moreover, the Court will render the decision on appreciation of oral and documentary evidence and if court fee was found deficient, can always call the party to make good the same.

In view of the aforementioned observation, the impugned order is upheld and the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 27, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No