

Sr. No.120

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

**CR No.656 of 2021
Date of Decision: 17.03.2021**

Attar Singh

...Petitioner

Versus

Devki and another

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Dinesh Ghai, Advocate,
For the petitioner.

ARUN MONGA, J. (ORAL)

Petitioner herein is aggrieved qua an order dated 11.01.2021 passed by the learned Civil Judge (Junior Division) Rohtak whereby suit for possession along with consequential relief of permanent/mandatory injunction filed by him has been dismissed in totality, at the very threshold, on the ground of non-payment of requisite court fee.

2. Learned counsel for the petitioner contends that petitioner was completely caught off guard to fulfil the court fee deficiency. No opportunity was given to him to make good the deficiency. Counsel submits that had plaintiff been granted just one opportunity, he would have definitely made good the deficiency. He further contends that the non-payment of the court fee was not intentional and arose out of circumstances beyond the control of the petitioner-plaintiff, due to the pandemic scenario, because of which he could not arrange for the court fee.

3. Having heard learned counsel for the petitioner and after perusal of the paper book, I am of the view that in the interest of justice, one

opportunity ought to have been given to the plaintiff to make good the deficiency of court fee.

4. In the premise, the instant petition is allowed. Petitioner is given opportunity to deposit the requisite court fee as per value of the suit within a period of four weeks. On his doing so, trial court shall proceed with the matter, in accordance with law.

March 17, 2021
vandana

(ARUN MONGA)
JUDGE

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