

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

CR-2219 of 2021 (O&M)

Date of decision: 04.10.2021

Resham Singh Rattu and another

...Petitioners

Versus

Avtar Singh Gill

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. B.S. Bali, Advocate for the petitioners.

H.S. MADAAN, J. (Oral)

Plaintiff Avtar Singh Gill had filed a suit for recovery against defendants Resham Singh Rattu and Amarjit Singh. On getting notice, both the defendants appeared and contested the suit. On conclusion of trial, the suit was decreed, vide judgment and decree dated 03.02.2020 and a decree for recovery of Rs.1,30,00,000/- with interest and costs was passed in favour of plaintiff against defendants.

Feeling aggrieved, the defendants had preferred an appeal before District Judge, SBS Nagar, however, they do not affix the ad-valorem court fee on the memo of the appeal, rather, an application was submitted with permission to file the appeal without affixation of ad-valorem court fee for the alleged reason of the same being not available. The application was filed on 18.03.2020. Thereafter, adjournments were sought for one reason or the other and ad-valorem court fee was not affixed. Ultimately, learned District Judge, SBS Nagar, before whom the

appeal was pending, vide order dated 08.09.2021 was constrained to dismiss the application.

Feeling aggrieved, the appellants have approached this Court by way of filing the present revision petition.

I have heard learned counsel for the petitioners besides going through the record.

At the very outset, learned counsel for the petitioners has contended that one opportunity be granted to the petitioners to affix the requisite court fee. Although, keeping in view the conduct of appellants/petitioners, they do not deserve to be granted more time for the purpose but in the interest of justice, to enable the appellants to get their appeal decided on merits, rather than shutting the doors of contest for them, on a technical ground, I afford one more opportunity to the appellants to affix the requisite ad-valorem court fee. The ad-valorem court fee is to be affixed within 10 days from today, subject to deposit of Rs.25,000/- as costs with District Legal Services Authority, SBS Nagar within such period. Accordingly, the revision petition is allowed and the impugned order is set aside with the directions aforesaid.

It is made clear that request for grant of more time shall not be entertained in any case.

04.10.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No