

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

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**CR-2514-2021(O&M)
Date of decision:01.11.2021.**

SUKHDARSHAN SINGH AND ANR

...Petitioners

Versus

CHINT KAUR (DECEASED)THR HER LR AVTAR SINGH

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. R.P.S.Ahluwalia, Advocate
for the petitioners.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The defendants have filed the present revision petition under Article 227 of the Constitution of India, assailing the correctness of order dated 22.09.2021, passed by the learned Civil Judge (Jr. Division), Yamuna Nagar at Jagadhri.

The learned Judge has, after noticing that the Court fee has already been paid, refused to reject the plaint.

The defendants filed an application for rejection of the plaint alleging that the plaintiff has not paid the sufficient court fee. The previous application was allowed on 05.07.2019 and the plaintiff was directed to deposit ad valorem court fee on or before 22.07.2019. The plaintiff filed an application under Order 33 Rule 1 CPC for permission to file a suit as an indigent person on 22.07.2019. When the application was pending, the plaintiff late Smt. Chint Kaur died on 04.09.2019. Her legal heirs were

brought on record and they filed an application for permission to deposit the ad valorem court fee which has been allowed on 04.12.2019.

The defendants filed an application for rejection of the plaint on the ground that the court fee has been permitted to be filed without recording reasons. In the present case, the ad valorem court fee was required to be deposited on or before 22.07.2019. The plaintiff did file an application under Order 33 Rule 1 CPC. Subsequently, the plaintiff expired. Her legal heirs have already deposited the court fee. No doubt, the court while permitting the deposit of the amount on 04.12.2019 has not recorded any reasons. However, the reasons are obvious. The plaintiff expressing her inability to deposit the amount, filed an application to file the suit as an indigent person which remained pending. Moreover, the courts are required to decide the suits on merits rather than on technicalities.

Keeping in view the aforesaid facts, no ground to interfere in exercise of powers under Article 227 of the Constitution of India, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 01, 2021
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(ANIL KSHETARPAL)
JUDGE

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