

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

112

**CR-4791 of 2017 (O&M)
Date of Order: 30.05.2022**

Mamta

..Petitioner

Versus

Yameen and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate, for the petitioner.
None for the respondents.

ANIL KSHETARPAL, J(Oral)

The petitioner filed a suit for grant of decree of declaration to the effect that she is owner in possession of the suit land, being the bonafide purchaser and the judgment and decree dated 01.04.2011 and the sale deed dated 02.02.2012 are illegal, null and void.

The Court while passing the judgment held that the plaintiff is entitled to recover Rs.16,00,000/- from defendant no.1, along with interest @ 12% per annum from the date of execution of sale deed till its actual realization subject to the condition that the plaintiff shall deposit the court fee on this amount within a period of one month, from the date of order.

The plaintiff's suit has been dismissed for the failure to deposit the requisite court fee. It is evident that the plaintiff filed an application on 26.05.2017 for permitting her to deposit the deficit court fee. The trial Court after taking a narrow view of the matter, held that the court fee was to be paid within one month, from the date of judgment i.e. 11.04.2017.

Once an application has been filed, the Court should have extended the period for the deposit of the deficit court fee.

The learned counsel representing the petitioner submits that the petitioner was able to obtain the certified copy of the judgment on 27.04.2017 and she filed the application within one month, along with the amount of deficit Court fee.

Keeping in view the aforesaid facts, the order under challenge is not sustainable.

The revision petition is allowed.

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

May 30, 2022

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(ANIL KSHETARPAL)
JUDGE

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