

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

CR-5378-2018 (O&M)

Date of decision: 29.07.2022

Ranjeet Singh Gill

...Petitioner

Versus

Paramjit Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Bhatia, Advocate for the petitioner

Mr. Vijay Lath, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The application filed by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint on account of paying deficient court fee, has been rejected at the stage of evidence. The plaintiff claims possession on the basis of a registered sale deed dated 24.03.2006. The plaintiff has paid the court fee on the sale consideration. The defendant claims that the market value of the property is more than what is reflected in the sale deed. The court has observed that this matter can be decided only after the parties are permitted to lead evidence. At the cost of repetition, it may be noted that the petitioner filed the application, when the case was at evidence stage. Moreover, after seeking five adjournments for cross-examination of the plaintiff's witness, this application was filed.

Keeping in view the aforesaid facts, the trial court has correctly observed that the matter can be decided, after permitting the parties to lead evidence.

Hence, no ground to interfere is made out.

Dismissed.

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

29.07.2022
rekha

(ANIL KSHETARPAL)
JUDGE

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