

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CR No.592 of 2022
DATE OF DECISION : 23rd FEBRUARY, 2022

Sachit Passi and others

.... **Petitioners**

Versus

M/s. Boss Computers (P) Ltd., Sector-20, Chandigarh & others

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Amit Jhanji, Senior Advocate with
 Ms. Eliza Gupta, Advocate &
 Mr. Siddharth Bhukkal, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Article 227 of the Constitution of India for setting aside order dated 31.01.2022 passed by Civil Judge (Junior Division), Derabassi, District SAS Nagar in Civil Suit No.46 of 2021, whereby the application for seeking extension of time for filing court fee and for filing ad-valorem court fee was allowed; along with certain other prayers.

Vide order dated 06.12.2021 passed in ***CR No.2506 of 2021*** titled ***M/s. Boss Computers Private Limited, Chandigarh Vs. Sachit Passi & others***, this court had granted time to the respondent No.1 to make good the court fee by 31.01.2022, although the revision filed by the respondent No.1 was dismissed. The respondent No.1 had challenged the order passed by this court before the Hon'ble Supreme Court through the SLP No.1610 of 2022. The Hon'ble Supreme Court has upheld the order passed by this court, however, the Hon'ble the Supreme Court vide order

dated 11.02.2022 has granted further one week's time to the respondents to affix the necessary court fee. Although, in the meantime, the trial court had already passed an order granting time to the respondent to affix the court fees by 15.03.2022, however, now that order stands superseded by the order of Hon'ble the Supreme Court and the respondent No.1 could not have been granted time of more than one week in violation of the order of Hon'ble the Supreme Court.

Be that as it may, the trial court is now under obligation to prepone the date of hearing and to make the respondents to pay the necessary court fee in compliance of the spirit of the order of Hon'ble the Supreme Court; even if the time fixed by the said order has not been adhered to by the trial court.

In view of the above, the present petition is disposed of with liberty to the petitioners to place on record of the trial court the order passed by Hon'ble the Supreme Court. Once the order is placed before the trial court then the trial court is directed to ensure that necessary court fee is paid by the respondent No.1 with immediate effect, in compliance of the order passed by Hon'ble the Supreme Court or the necessary legal consequences are made to visit the respondent, in accordance with law.

23rd FEBRUARY, 2022
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>