

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

120

CR No.1020 of 2022

Date of Decision : 24.03.2022

Maninder

....Petitioner

VERSUS

Subhash Chander

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Rana, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Heard in physical mode.

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 17.02.2022 (Annexure P-4) passed by the District Judge, Fatehabad vide which the application dated 16.11.2021 (Annexure P-3) filed by the petitioner for permission to affix the *ad valorem* court fees has been dismissed.

Learned counsel for the petitioner would contend that the petitioner was unable to deposit the *ad valorem* court fees since he did not have the requisite amount to deposit the court fees which was ₹1,70,900/-. Counsel for the petitioner would further submit that the petitioner has now been able to collect the said money and is willing to make up the deficiency in the court fees. However, his application dated 16.11.2021 (Annexure P-3) has been dismissed only on the ground that numerous opportunities were given to the petitioner and they were not availed of by the petitioner. It is further contended that keeping in view the intervening circumstances created due to the Covid-19 Pandemic, the petitioner faced further difficulties in collecting the money.

I have heard learned counsel for the petitioner.

In the present case the application dated 16.11.2021 (Annexure P-3) has been dismissed only on the ground that numerous opportunities had been granted to the petitioner for affixing the *ad valorem* court fees. The appeal was filed before the lower Appellate Court in November, 2021. However, the petitioner, due to various reasons, was unable to collect the money in order to affix the *ad valorem* court fees. Learned counsel for the petitioner has stated that the petitioner had faced further issues because of the situation created due to the Covid-19 Pandemic.

Keeping in view the peculiar facts and circumstances of the case, I deem it appropriate to grant one opportunity to the petitioner to affix the *ad valorem* court fees on or before 30.04.2022. In case the *ad valorem* court fees is affixed on or before the said date, order dated 17.02.2022 (Annexure P-4) passed by the District Judge, Fatehabad shall be deemed to be set aside and the appeal would be restored to its original number and the same shall thereafter be heard on merits.

Disposed off.

(ALKA SARIN)
JUDGE

24th March, 2022
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO