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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-11978-CII-2022 in/and
CR-63-2019 (O&M)
Date of Decision:19.09.2022

Balwinder Singh

.. Petitioner

Vs.

Bahadur Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. N.S. Dadwal, Advocate for the petitioner.

Mr. Malkit S. Jandiala, Advocate and
Ms. Ustat Rupeet Kaur Sandhu, Advocate
for applicant-respondent No.1.

...

Manoj Bajaj, J. (Oral)

CM-11978-CII-2022

This application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. N.S. Dadwal, Advocate accepts notice on behalf of the petitioner and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CR-63-2019 (O&M)

Petitioner (defendant No.1) has filed this revision petition under Article 227 Constitution of India for setting aside the impugned order dated 11.07.2018 passed by Civil Judge (Jr. Divn.), Jagraon, whereby his application under Order VII Rule 11 CPC for rejection of plaint on the

ground of not affixing the ad valorem court fee in the suit for recovery of damages of Rs.20 lacs, was dismissed.

Learned counsel for the respondent No.1/plaintiff states that the application filed by defendant/petitioner under Order VII Rule 11 CPC was rightly dismissed by Civil Judge (Jr. Divn.), Jagraon vide impugned order dated 11.07.2018 by observing that the claim of damages made by the plaintiff is yet to be ascertained and the court fee would be payable at the time of final decision of the suit. Learned counsel further states that because of pendency of the revision petition, the suit proceedings are not making any progress, and in order to meet with the objection raised by the defendant (petitioner), the plaintiff is willing to affix the advalorem court fee.

At this stage, learned counsel for the petitioner states that in view of the above stand of learned counsel for the plaintiff, the impugned order be set aside.

Upon considering the stand of learned counsel for the plaintiff, the impugned order is set aside and the revision petition is disposed of with a direction to the plaintiff to affix the requisite ad valorem court fee within a period of next four weeks.

19.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No