

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 5950 of 2022 (O&M)

Date of decision : 15.12.2022

...

Devender Singh

.....Petitioner

vs.

Ramphal Kaushik and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rajesh Goyal, Advocate for the petitioner.

...

H. S. Madaan, J. (Oral)

Learned counsel for the revisionist states that the revisionist, who was appellant before Additional District Judge, Sonapat, has been ready and willing to make up the deficiency of court fee, but he was not given sufficient opportunity to do so by learned Additional District Judge, Sonapat and order rejecting the memorandum of appeal was passed hurriedly on 27.10.2022.

A perusal of the file goes to show that the appeal was put up for the first time before learned Additional District Judge, Sonapat, on 12.10.2022 and he adjourned the case to 27.10.2022, for making the deficiency of court fee. However, on the adjourned date, observing that the deficiency had not been made good, relying upon a judgment of this Court, he straightway, rejected the memorandum of

appeal, under Order 41 Rule 3 CPC.

In my view, learned Additional District Judge, Sonapat, had passed the order in haste, without affording sufficient opportunity to the appellant to make good the deficiency of the court fee.

Therefore, the impugned order 27.10.2022 passed by Additional District Judge, Sonapat, is not sustainable, the same is set aside and the appeal is ordered to be restored at its original number. The revisionist is directed to affix the requisite court fee on the memorandum of appeal within two weeks from today, failing which the Court may pass order rejecting the memorandum of appeal.

With such observations, the revision petition is accepted.

15.12.2022
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No