

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

CR-8159-2019 (O&M)

Date of decision: 08.08.2022

Bhupinder Singh

....Petitioner

Versus

Rajbir Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.P.S.Randhawa, Advocate for the petitioner

Mr. Gurcharan Dass, Advocate for respondent no.1 and 2

Mr.Raj Kumar, Advocate for respondent no.26 and 27

ANIL KSHETARPAL, J (Oral)

The petitioner herein is a defendant in a suit for grant of various reliefs. His application under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint on account of insufficient court fee being fixed by the plaintiff, has been dismissed. In view of the judgment passed by the Supreme Court in **Sri Ratnavaramaraja vs. Smt. Vimla, AIR 1961 SC 1299**, once the trial court has held that no ad valorem court fee is payable, no appeal or revision at the behest of the defendant is maintainable. The defendant can always pray for framing an issue on that fact and lead evidence.

Hence, dismissed.

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

08.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**