

CO 20 of 2014

In the matter of : Ujjal Kr. Biswas

As usual none is appearing on behalf of the petitioner.

In view of the mandate of Hon'ble Supreme Court in the case of **Robin Thapa vs. Rohit Dora** reported in **AIR 2019 SCC 3225** held that ;

"8. Ordinarily, a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits."

This revisional application challenges the order no. 45 dated 26.9.2013 by which the learned Trial Court was pleased to refuse the prayer of the defendant to reject the plaint under Order VII Rule 11 on the ground that the adequate court fees has not been paid by the plaintiff.

I have perused the impugned order.

Learned Trial Court kept the issue of deficit court fees open by observing that in compliance with the provision of Section 11 of the West Bengal Court Fees Act, necessary inquiry will be held by the Court. The impugned order does not suffer from mal exercise of jurisdiction vested in the Court, nor the said order can be termed as perverse.

The revisional application does not merit any consideration and stands dismissed, however, without any order as to costs.

Order of interim stay, if any, stands vacated.

Copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)