

CR-5371 of 2015 (O&M)

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

CR-5371 of 2015 (O&M)  
Reserved on: 15.09.2023  
Pronounced on: 27.09.2023

Rakesh Sharma and another

.....Petitioners

vs.

Rajesh Sharma

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Ashok Kaushik, Advocate,  
for the petitioners.

Mr. Arun Gupta, Advocate,  
for the respondent.

**NAMIT KUMAR, J.**

1. Instant revision petition has been filed by the petitioner-defendants under Article 227 of the Constitution of India challenging the order dated 30.07.2015 (Annexure P-4) passed by the Court of learned Additional District Judge, Faridabad, whereby they have been directed to affix proper court fee.

2. Brief facts leading to the filing of the present revision petition are that respondent-plaintiff filed a suit for mandatory injunction with consequential relief of permanent injunction to the effect that petitioner-defendants be directed to vacate H.No.1214, Sector 49, Sainik Colony, NIT, Faridabad, and to handover peaceful possession, mesne profit and for permanent injunction restraining the defendants from making alteration, addition, negotiating, leasing out and from alienating the suit property in

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any manner. The said suit was decreed by the Court of learned Civil Judge (Junior Division), Faridabad, vide judgment and decree dated 15.04.2015. Against the judgment and decree dated 15.04.2015 petitioner filed appeal before the lower Appellate Court. Respondents-plaintiff raised objection that petitioner-defendant had not affixed court fee on the total value of the suit land. Vide impugned order dated 30.07.2015, petitioner has been directed to pay entire court fee.

3. Learned counsel for the petitioner contended that the application filed by the respondent-plaintiff has wrongly been accepted by the Court of learned Additional District Judge, Faridabad, vide order dated 30.07.2015 and the petitioner-defendants have been directed to pay court fee in respect of the entire claim/property. He submitted that petitioners are in possession of only two rooms on the first floor of the house, therefore, they cannot be directed to pay court fee for the entire property.

4. On the other hand, learned counsel for the respondent submitted that since the petitioner-defendants are challenging the judgment and decree dated 15.04.2015 in its entirety, they are required to pay court fee for the entire property.

5. I have heard learned counsel for the parties and perused the record.

6. Respondent-plaintiff filed a suit for mandatory injunction claiming himself to be owner of H. No.1214 whereas petitioners are claiming themselves to be owner in possession of the property in dispute by way of a family settlement. Therefore, learned Additional District Judge has rightly observed that dispute is qua entire house and petitioners

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are supposed to pay court fee in respect of entire claim.

7. The impugned order passed by the lower Appellate Court does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

8. Finding no merit in the revision petition, the same stands dismissed. Interim orders dated 24.08.2018 and 21.08.2015 stand vacated.

9. Pending application(s), if any, stand disposed of accordingly.

**27.09.2023**  
R.S.

**(NAMIT KUMAR)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No