

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

Sr. No.244**CR-5172-2017****Date of decision: 05.10.2023****SATPAL VERMA AND ANOTHER****.....Petitioners****versus****SMT. MANMOHAN SHARMA AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Akshay Jindal, Advocate
for the petitioners.

Mr. Divanshu Jain, Advocate
for respondent No.1.

Mr. Ravi Malhotra, Advocate for
Mr. S.K. Mahajan, Advocate
for respondent No.2.

Mr. Rajbir Singh, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

Challenge in the present petition is to the order dated 12.07.2017, passed by the Court of learned Civil Judge (Junior Division), Karnal, whereby application filed by the defendant/respondent No.1 under Order 7 Rule 11 CPC has been allowed and opportunity was granted to the plaintiffs for assessing the correct valuation of damages and suit as well as for payment of Court fee thereon accordingly.

While issuing notice of motion on 04.08.2017, the following order was passed:-

“Learned counsel for the petitioners contends that the valuation towards repairs of cracks done by the Architect was not qualified in terms of recurring damage done to the building. No fixed court fee can be affixed. Any deficiency in court fee can be answered by way of passing contingent and conditional decree at the time of conclusion of trial.

Notice of motion for 06.10.2017.

Till the next date of hearing, payment of additional court fee may not be insisted upon.”

Learned counsel for the parties jointly submit that the trial is at the final stage and the case is fixed for arguments and directions may be issued to the learned trial Court to conclude the trial at the earliest as at this stage, without insisting upon the affixation of Court fees, the final adjudication of the suit can be possible and so far as the issue pertaining to the affixation of Court fees is concerned, the same would be subject to the final outcome of the trial.

In view of the above, let the trial be concluded at the earliest without insisting upon the affixation of Court fee at this stage and the same would be subject to the final outcome of the trial.

Disposed of in the above terms.

Interim order dated 04.08.2017 stands vacated.

Copy of this order be sent to the trial Court for information and necessary compliance.

(NAMIT KUMAR)
JUDGE

05.10.2023
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>