

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CM-2440-CII-2023 in/and
CR-5183-2018
Date of Decision : February 09, 2023

Bahadur Singh

.. Petitioner

Versus

Amarjit Kaur and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashok Kumar Khubbar, Advocate,
for the applicant-petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-2440-CII-2023

Present application has been filed for recalling the order dated 20.01.2023, by which, the present civil revision petition was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 20.01.2023 is recalled and the civil revision petition is restored to its original number and status.

CR-5183-2018

Learned counsel for the petitioner submits that the petitioner is ready to deposit the Court fee as per Section 7 (iv) (C) of the Court Fee Act

but nothing has been mentioned in the impugned order dated 13.07.2018 (Annexure P-4) that the said Court fee has to be deposited as per Section 7 (iv) (C) of the said Act as amended in the year 1974. The said apprehension of the petitioner is totally frivolous.

Once an order has been passed by the Court below to deposit the Court fee as envisaged under Section 7 (iv) (C) of the said Act, the provision which is applicable on the date of the order is to be seen.

Learned counsel for the petitioner submits that keeping in view the same, the present civil revision petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to deposit the Court fee as the petitioner is liable to pay under the provision 7 (iv) (C) of the Act as it existed on the date of impugned order.

Ordered accordingly.

February 09, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No