

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 6815 of 2017 (O&M)****Date of Decision: 10.10.2023**

Inder Pal Singh

... Petitioner(s)

Versus

Gurmail Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Amardeep Singh Gill, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The respondents, despite publication of the notice in the newspaper, have not entered appearance. The petitioner herein has filed a suit for recovery of ₹30,50,000/- along with the interest. The trial Court has granted a period of 30 days to the plaintiff to make good the deficiency in the payment of court fee. On account of his failure, the plaint was ordered to be rejected vide order dated 28.03.2017. The correctness of the aforesaid order has been challenged before this Court.

2. The learned counsel representing the petitioner submits that the plaintiff has filed an application for extending the time to make good the deficiency in the payment of court fee. However, the trial court has wrongly rejected the same.

3. This Court has considered the submissions. Ordinarily, the court fee is required to be affixed along with the plaint as and when filed.

However, the Court has the enabling power to extend the period in

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appropriate cases. Though, in this case, the Court did grant the plaintiff a period of more than 30 days to make good the deficiency in the payment of court fee. However, once the request to extend the time was received in the interest of justice, the trial Court should have granted some more time to make good the deficiency in the payment of court fee.

4. The learned counsel representing the petitioner undertakes to make good the deficiency in the payment of court fee within a period of four weeks.

5. Keeping in view the aforesaid facts, the present revision petition is disposed of with the liberty to the petitioner to file an application before the trial court within a period of four weeks from today for revival of the suit along with the *ad valorem* court fee on the amount claimed in the suit. If such an application is filed within the prescribed time, the trial Court shall permit the plaintiff to make good the deficiency in the payment of the court fee and would, in turn, revive the suit.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 10, 2023**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No