

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

**CR-652-2022 (O&M)**

**Date of decision: 23.11.2023**

Arun Kumar

....Petitioner

Versus

Vinod Kumar and Another

....Respondents

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

**Present:** None for the petitioner.

Mr. Rajan Bansal, Advocate  
for respondent No.1.

**NAMIT KUMAR J. (Oral)**

The instant revision petition has been filed by the petitioner/defendant for setting-aside the order dated 12.11.2021 passed by the learned Additional Civil Judge (Sr. Division) Barnala, vide which the application filed by the petitioner under Order 7 Rule 11 CPC has been dismissed.

Briefly stated, the facts of the case are that the petitioner and respondents No.1 and 2, are real brothers and respondent No.1 has filed a suit for possession on the basis of sale deed No.4198 dated 03.01.1969, against the petitioner and respondent No.2 and affixed a Court fee on the amount of Rs.50,000/- along with the plaint.

Thereafter, separate written statements on behalf of petitioner and respondent no.2 were filed and Issues were also framed by the learned trial Court. Thereafter, the petitioner/defendant No.1 has filed an application under Order 7 Rule 11 CPC for rejection of plaint being undervalued. The said application was duly contested by the

respondent No.1/plaintiff by filing reply. Thereafter, the said application has been dismissed by the learned trial Court vide order dated 12.11.2021, which has been impugned in the present revision petition.

The application filed under Order 7 Rule 11 CPC has been dismissed by the learned trial Court by stating that on 18.07.2019, specific Issue to this effect being Issue No.7 has been framed, which reads as under:-

***“Whether the suit of the plaintiff is liable to be dismissed on account of having not a properly valued for the purpose of court fee and jurisdiction?OPD.”***

Since the Issue with regard to Court fee has already been framed by the learned trial Court and to be adjudicated upon by the learned trial Court on the basis of evidence adduced before it by the respective parties, therefore, there is no illegality or perversity in the impugned order passed by the learned trial Court and thus, the same does not require any interference by this Court.

Dismissed.

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

**23.11.2023**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No