

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

CR-5240-2019 (O&M)

Date of decision: 22.05.2023

Rishipal Sharma

...Petitioner

VS

Paramjit and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Inderjeet Singh, Advocate,
For the petitioner.

Mr. Vinod K. Kataria, Advocate,
For respondent No.1.

ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India is for setting aside the impugned order dated 23.07.2018 passed by learned Civil Judge (Junior Division), Naraingarh vide which application under Order 7 Rule 11 CPC filed by defendant/respondents herein for rejection of plaint was allowed.

2. While issuing notice of motion on 30.08.2019, a coordinate Bench of this Court presided over by Raj Mohan Singh, J. (as he then was) passed following order:

“Learned counsel for the petitioner contends that time was given by the trial Court to affix ad valorem Court fee. Due to some mis-conception of fact, petitioner thought that time of one month was granted, but infact time of only one week was granted. Due to aforesaid mis-communication, the requisite Court fee could not be brought. Petitioner has already filed an appeal along with an application showing his willingness to pay the requisite Court fee. On the basis of aforesaid facts, learned counsel states that the impugned order is harsh.

Notice of motion for 30.10.2019.”

- 3. Learned counsel for petitioner/plaintiff, at the outset submits, that in order to avoid any unnecessary delay without prejudice to his rights, he is ready and willing to fix the *ad valorem* Court fee, as directed by the order impugned herein. May do so.
- 4. Revision petition is, in any case, rendered infructuous and disposed of accordingly.
- 5. Pending application(s), if any, shall stand disposed of.

(ARUN MONGA)
JUDGE

22.05.2023
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No