

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-COM-8-2017 (O&M)
Date of Decision : 14.11.2023

M/s Khurana and Company

....Appellant

VERSUS

Punjab State Civil Suppl. Corpn. Ltd. And Another

...Respondents

**CORAM : HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: None for the appellant.

Mr. Savreet Singh Brar, Advocate for
Mr. S.S.Gill, Advocate for respondent No.1.

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G. S. SANDHAWALIA, J. (Oral)

1. The present appeal has been filed against the judgment and decree dated 06.12.2016, whereby civil suit filed by the respondent-Corporation was allowed for recovery of Rs.3,96,44,017/- along with interest @30% per annum w.e.f 01.02.2014. The suit was based on the basis of an order passed in favour of the Corporation by the Managing Director dated 22.08.2014.

2. The appeal was accompanied with an application for exemption from a Court fee under Order XLIV Rule 1 read with Order XXXIII Rule 1 CPC for suing him as an 'indigent person' bearing CM-22-RFCOM-2017. On 10.07.2018, the Co-ordinate Bench came to the conclusion that it was filed to evade Court fee and had dismissed the application and the appellant was granted 04 weeks' to make good the deficiency in Court fee. On 11.09.2018, more time was sought by the

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counsel for the appellant to comply with the said order and last opportunity was granted. The matter was adjourned to 03.12.2018. The matter has been adjourned several times since 2018 and on 18.10.2022, none had put in appearance. As per office report, neither the Court fee has been deposited till date, nor any application has been moved for extension of time.

3. Keeping in view the above, we are of the considered opinion that since the order has not been complied with, the appeal would not be maintainable without payment of Court fee and hence the same is, accordingly, dismissed due to non-compliance of the order dated 10.07.2018.

4. Pending applications, if any, also stand disposed off.

(G. S. SANDHAWALIA)
JUDGE

November 14, 2023
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No