

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CR No. 6638 of 2016 (O&M)

Date of Decision : 27.02.2023

Gurpal Singh

...Petitioner

Versus

Didar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.S. Swaich, Advocate for the petitioner.

Mr. S.S. Rangi, Advocate for the respondents.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that the trial of the suit out of which the present civil revision has arisen is at the fag end and the order challenged in the present petition is with regard to the deficiency of the court fee. Learned counsel for the petitioner submits that he has no objection in case, while finally deciding the suit, the court can record a finding with regard to the adequacy of court fee already deposited without resting upon the impugned order dated 19.08.2016 (Annexure P-4).

As there is no opposition to the fact that the suit is near its completion as the impugned order qua making good of the court fee was stayed by this court in the present civil revision petition, the present civil revision petition is disposed of with the observation that the trial court will be within its jurisdiction to decide with regard to the adequacy of the court fee while passing the final order but the said opinion should be independent

of the impugned order keeping in view the evidence, which has come on record.

Present civil revision petition is disposed of in above terms.

CM-802-CII-2017 and CM-27266-CII-2018

As the present civil revision petition has been disposed of, the present applications also stand disposed of.

February 27, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No