



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-479-2024 (O&M)
Date of Decision: 16.09.2024

MAHENDER AHUJA

... APPELLANT

Vs.

DHAN PATI AND OTHERS

.... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr.Sewa Singh Gill, Advocate, for the appellant.

DEEPAK GUPTA, J.

Suit for declaration, possession, mandatory injunction and permanent injunction, bearing No.CS-2573-2015 [CNR N: HRKR02-003392-2015] based upon mortgage deed dated 05.07.1985 and the consequent mutation was filed by the plaintiff-appellant way back in 2015.

2. Plaintiff failed to pay the necessary Court fee despite repeated adjournments and on account of his failure to pay the Court fee, the plaint was rejected by Id. Civil Judge (Sr. Division), Karnal vide order dated 05.11.2018.

3. The aforesaid order dated 05.11.2018 was challenged by the appellant by filing appeal before the Court of Additional District Judge, Karnal. However, by way of order dated 03.11.2013, Id. Additional District Judge, Karnal has dismissed the appeal.

4. Assailing the aforesaid orders, it is contended by Id. counsel that plaintiff-appellant is ready to pay the Court fee and that necessary opportunity be provided to him.

5. This Court does not find any merit in this appeal. It has been

observed by the First Appellate Court that it is vide order dated 03.03.2017 that while disposing of the application under Order 7 Rule 11 with read Section 151 CPC moved by the defendants-respondents, the trial Court had ordered the plaintiff to affix the *ad valorem* Court fee on the value of the suit land as per the collector rate within a period of one month. Plaintiff failed to do so. Plaintiffs filed CR-2428-2017 before this Court against the order dated 03.03.2017, but during the pendency of that revision, the plaint was rejected on 05.11.2018 and for this reason, the revision before this Court was rendered infructuous. Ld. Appellate Court has observed further that despite extensions granted time and again, the appellant-plaintiff failed to affix the necessary Court fee and so in these circumstances, trial Court did not commit any error in rejecting the plaint.

6. This Court does not find any illegality or perversity in the impugned order passed by the Court. It is the own act and conduct of the appellant, who failed to fix the necessary Court fee despite repeated opportunities granted to him, that compelled the Court to reject the plaint.

No merits. Dismissed.

16.09.2024
Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No