

CR-1190-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.138

CR-1190-2024 (O&M)
Date of Decision: 12.03.2024

RAVINDER

....Petitioner

Versus

MAYA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 23.01.2024 (Annexure P-4) passed by learned Appellate court, whereby the appeal was dismissed, on the ground of non-affixation of the Court fee and for non-prosecution.

Learned counsel for the petitioner heard.

It is submitted by learned counsel that the appeal was pending before learned Appellate Court. As and when it came to the notice of the petitioner/appellant, he had filed an application for furnishing of the Court fee and for that purpose, he had sought one week's time. However, it is submitted that the Court fee was not affixed, within the given timeframe. While making reference to various orders, it is submitted that it was on 23.01.2024, when the petitioner, as well as his counsel did not make appearance, the appeal was dismissed on two counts i.e. for non-affixation of Court fee, as well as for want of prosecution.

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It is now submitted by learned counsel that only week’s time may be given for furnishing of Court fee.

Perusal of the zimini orders, which have been placed on record reveals that it was at the stage of the arguments, when it came to the notice of the Court about Court fee, having not been paid, due to inadvertence. It was so pinpointed on 02.01.2024 and thereupon, the case was adjourned further for 09.01.2024 and then to 18.01.2024, as well as for 23.01.2024, for furnishing of the Court fee. However, the needful was not done and subsequently, vide the impugned order passed on 23.01.2024, the appeal was dismissed.

In the interest of justice, considering the submission made by learned counsel, the instant revision petition is accepted and the impugned order is set aside. Learned Appellate Court is hereby requested to restore the case at its original number and seven days’ time be given to the petitioner to furnish the requisite Court fee, in pursuance of restoration of the appeal.

However, the aforesaid revision petition is accepted, subject to deposit of Rs.10,000/- as costs in the ‘*Poor Patients Welfare Fund*’, within a period of seven days from today onwards.

Accordingly, the instant revision petition stands disposed of.

12.03.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No