

2024:PHHC:118322



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CR-2868-2024 (O&M)
Date of decision: 10.09.2024

Sunita Rani @ Gori

...Petitioner

Versus

Sanjeev and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Kashav Chadha, Advocate, Legal Aid Counsel
for the petitioner.

VIKAS SURI, J. (Oral)

1. Challenge in this petition under Article 227 of the Constitution of India is for setting aside order dated 22.03.2024 (Annexure P-4) passed by learned Civil Judge (Junior Division), Jalandhar, whereby the application filed by defendants under Order 7 Rule 11 read with Section 151 CPC, has been dismissed.

2. During the course of preliminary hearing, learned counsel for the petitioner was directed to place on record copy of order dated 27.07.2017 passed by the trial Court, that has been noticed in the operative part of the impugned order.

3. Learned counsel for the petitioner submits that the petitioner has not come forward to execute the affidavit required to be filed in support of the application, for doing the needful. However, a copy of the order dated 27.07.2017, downloaded from the e-Courts web portal, has



been produced in the Court today. Perusal of the order dated 27.07.2017 shows that the deficiency of Court fee has been made good by the plaintiff.

4. No material to the contrary has been pointed out from the record to urge that the Court fee so affixed is still short of the required amount. It is also noteworthy that notice of the suit was issued to the defendants only after the deficiency of Court fee was made good by the plaintiff.

5. Learned counsel for the petitioner has also not been able to point out any other material to refute the findings recorded in the impugned order. Therefore, the contention of the petitioner that requisite Court fee has not been affixed by the plaintiff, could not be substantiated.

6. In view of the above and finding no merit in the present petition, the same is dismissed.

September 10, 2024
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No