

137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3353-2022(O&M)

Date of decision :16.04.2024

Daljit Singh and others

...Petitioners

Vs.

Municipal Council, Rajpura
and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jogender Pandir, Advocate
for the petitioners.

Mr. Abhilaksh Gaind, Advocate and
Mr. Rakesh Roy, Advocate
for respondent No.1.

Ms. R. Akansha, Advocate and
Mr. Amit Rishi, Advocate
for respondent No.14.

ANIL KSHETARPAL, J. (Oral)

1. The petitioners herein are defendants in a suit filed by the Municipal Council, Rajpura for grant of decree of declaration, possession and permanent injunction. The application filed by the defendants (petitioners) to reject the plaint on account of deficiency in deposit of the Court fee has been dismissed. The correctness of such order is challenged in this revision petition.

2. In view of the judgment passed by Hon'ble the Supreme Court in 'Rathnavarmaraja Raja vs. Smt. Vimla' AIR 1961 SC 1299, it has been held that further revision petition or appeal at the behest of

defendants is not maintainable because primarily the issue of deficiency in Court fee is between the plaintiff and the State.

3. Hence, the revision petition is dismissed, however, the petitioners shall have liberty to pray before the trial Court for settling a separate/distinct issue on the aforesaid objections.

16.04.2024

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Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)

JUDGE

Yes
Yes

No
No