



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4652-2024

Date of Decision: -21.08.2024

AMIT AGGARWAL

.... PETITIONER

Vs.

ASHA

.... RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present:- Mr. Alisha Soni, Advocate, for the petitioner.

DEEPAK GUPTA, J.

By way of this petition filed under Article 227 of the Constitution of India, petitioner prays for setting aside order dated 19.04.2019 (*Annexure P5*) passed by Id. District Judge, Panipat, whereby appeal bearing CA-368-2018 [*CNR No.HRPP01-006306-2018*], was dismissed for want of affixation of Court fee.

2. Suit for specific performance based on an agreement to sell dated 19.02.2014, filed by the plaintiff Asha (*respondent herein*) was decreed by the trial Court of Id. Additional Civil Judge (Civil Division), Samalkha on 03.10.2018. Defendant of the case - Amit Goyal (*petitioner herein*) filed an appeal. Repeated opportunities were granted to him to make good the deficiency in the Court fee. He failed to do so and in the compelled circumstances, the Appellate Court of Id. District Judge, Panipat, by way of the impugned order dismissed the appeal for want of affixation of the Court fee.

3. Id. counsel prays for granting one more opportunity so as to affix the requisite Court fee submitting that due to family circumstances and also intervening Covid Pandemic period, the Court fee could not have been affixed.

4. After hearing Id. counsel, this Court finds absolutely no merit in the present revision.

5. The impugned order was passed way-back on 19.04.2019. Present Revision has been filed in July 2024 i.e. more than 5 years after passing of the impugned order. Not only this, in the intervening period, the decree-holder-plaintiff (*respondent herein*) filed an execution, wherein wife of the petitioner filed third party objection, which has also been dismissed vide order dated 30.11.2022 (*Annexure P9*) and now the judgment-debtor-petitioner has approached this Court challenging the order dated 19.04.2019 (*Annexure P5*), whereby his appeal was

dismissed.

6. Counsel for the petitioner could not justify reasons for long delay in filing the revision. The petition appears to have been filed with a *mala fide* intention to delay the proceedings in the execution petition.

Dismissed.

21.08.2024

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No