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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 26th September, 2024***
+ CM(M) 3481/2024, CM APPL. 56647/2024 & CM APPL. 56648/2024
INDERJIT SINGH MARWAHPetitioner

Through: Mr. Anurag Chauhan with Mr. B P
Singh Chauhan, Advocates.

versus

VIJENDER SINGHRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner is defending a civil suit.
2. According to Mr. Anurag Chauhan, learned counsel for petitioner, the suit was initially filed before the Court of learned Senior Civil Judge. However, when an objection was raised with respect to the maintainability of the aforesaid suit before the Court of learned Senior Civil Judge, the suit was, eventually, transferred to the Court of District Judge.
3. Before the Court of learned District Judge, the defendant moved an application under Order VII Rule 11 CPC seeking rejection on account of non-deposit of the requisite Court Fee.
4. It seems that such application remain pending disposal for quite some time and the plaintiff, for the reasons best known to him, did not render the requisite assistance to the learned Trial Court and arguments were not advanced either by him.
5. However, when the matter was taken up by the learned Trial Court on 23.08.2024, learned counsel for plaintiff, himself, sought time to deposit the



requisite pending Court Fee and accordingly , the time was granted and the matter has now been listed for compliance in relation to deposit of Court Fee on 23.10.2024.

6. The grievance in the present petition is very limited.

7. According to learned counsel for petitioner/defendant, since the plaintiff himself kept on lingering on the matter, the Court should not have given any indulgence to him, that too, without burdening him without any cost.

8. Fact remains that time for deposit of deficient Court Fee can always be extended by any Court invoking its power under Section 149 of CPC and to that extent, the grievance of the petitioner herein seems little misplaced. Even if, the conduct of the plaintiff, was not upto the mark and he himself lingered on the matter, that does not mean once a statement was made by the plaintiff that he would deposit the deficient Court Fee, the Court would disallow any such request.

9. The imposition of the cost is better left to the discretion of the learned Trial Court.

10. Therefore, finding no merit and substance in the present petition, the same is dismissed.

(MANOJ JAIN)
JUDGE

SEPTEMBER 26, 2024/sw