

CR-360-2023

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2025:PHHC:152841



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-360-2023

Date of decision : 06.11.2025

Vinod Kumar

... Petitioner

Versus

Subhash and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

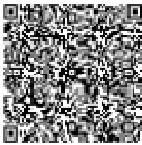
Present: Mr.Santosh Kumar Sharma, Advocate (through V.C.) and
Mr. Sahil Mehndiratta, Advocate
for the petitioner.

Mr. Anish Setia, Advocate
for respondents no.1 to 5.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.10.2022 passed by the Civil Judge (Jr.Div.), Hodal, vide which the application filed by the respondents-defendants has been allowed.

2. On a pointed query raised by this Court, learned counsel for the petitioner has very fairly submitted that in the order dated 11.10.2022, it was specifically made clear that in case the deficiency of court fee is not made good before the next date of hearing, the plaint shall be deemed to be rejected. It is submitted that the court fee has not been paid and although



notice of motion was issued by the Co-ordinate Bench of this Court but there is no interim order in favour of the petitioner and thus, the plaint of the petitioner has been rejected.

3. Learned counsel for respondents no.1 to 5 has submitted that in the said circumstances, the order rejecting the plaint would fall within the definition of decree as per Section 2 sub section 2 CPC and thus, the said order would be appealable.

4. Learned counsel for the petitioner, in view of the above, has submitted that the petitioner be permitted to withdraw the present petition with liberty to file an appeal in accordance with law.

5. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

November 06, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No