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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3934-2016 (O&M)

Date of decision: 05.09.2025

Hari Singh (deceased) through his LRs

...Petitioner

Versus

Naresh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dinesh Babu Khurana, Advocate for the petitioner.

Mr. Ivneet S. Pabla, Advocate for respondent No.1.

Mr. Dheeraj Siwach, Advocate for

Mr. Mahesh Dheer, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 05.05.2016 (Annexure P-6) passed by the Civil Judge (Junior Division), Kurukshetra vide which the plaintiff had been directed to pay the ad valorem Court fee.

2. On 02.06.2016, a Coordinate Bench of this Court was pleased to pass the following order:-

“Hari Singh v. Naresh Kumar and another

Present: Mr. Rishi Pal Rana,

Advocate for the petitioner.

Notice of motion for 19.07.2016.

Dasti as well.

Additionally, liberty is afforded to the petitioner to serve the respondents through the counsel representing them before the trial court.

Meanwhile, operation of the impugned order shall remain



stayed till the next date of hearing.

June 2 , 2016”

3. Learned counsel for the petitioner as well as learned counsel for the respondents have jointly submitted that vide order dated 09.07.2025, as many as eight issues have been framed on the said date. It is thus, apparent that case is at the initial stage.

4. During the course of arguments, a consensus has been arrived at between the parties and in view of the same, the present revision petition is disposed of and the impugned order dated 05.05.2016 is set aside with the following directions/observations:-

- i) The trial Court would frame an additional issue on the aspect of adequacy of Court fee within a period of 15 days from the next date of hearing.
- ii) It would be open to both the parties to raise all the pleas as are available to them in law under the said additional issue and on all other issues and the said issue along with all other issues would be decided at the stage of final arguments of the case.
- iii) This Court has not opined on the merits of the said issue and the trial Court would decide the said issue independently after taking into consideration the evidence and arguments raised by both the parties.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

05.09.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No