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

CR-856-2025 (O&M)

Date of decision: 17.02.2025

Sameer Kumar

...Petitioner

Versus

Geeta Kathuria

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sameer Kumar, Petitioner in person.

Mr. Sanjiv Kumar Aggarwal, Advocate and
Mr. Ojas Bansal, Advocate and
Mr. Tejas Bansal, Advocate and
Mr. Nissim Aggarwal, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 22.11.2021 (Annexure P-4) passed by the Civil Judge (Junior Division), Gurugram vide which an application filed by the petitioner-tenant under Order 7 Rule 11 CPC for rejection of the plaint has been dismissed.

2. Petitioner appearing in person has submitted that the mesne profits which are sought to be charged for the period prior to the institution of the suit, were also required to be taken into consideration for affixing the Court fee. It is submitted that once the mesne profits as per the averments made in the petition are taken into consideration, then, a total amount of Rs.39,625/- was required to be affixed as the Court fee whereas the respondent has affixed the Court fee of only Rs.26,900/- and thus, there is deficiency to the extent of Rs.12,725/-.



3. Learned counsel for the respondent has submitted that it is their case that they have affixed the appropriate Court fee and has further submitted that the petitioner has no right to challenge such order, but in order to satisfy the claim of the petitioner, the respondent is ready to deposit the amount of Rs.12,725/- within a period of 10 days from today and has submitted that the present revision petition be disposed of in the abovesaid terms.

4. Petitioner appearing in person has prayed that in case the said amount is not deposited by the respondent within a period of 10 days from today, then, the suit filed by the respondent be rejected under Order 7 Rule 11 CPC.

5. Keeping in view the abovesaid facts and circumstances, the present revision petition is partly allowed and order dated 22.11.2021 is modified with the following observations/directions:-

- i) The respondent would deposit the amount of Rs.12,725/- within a period of 10 days from today before the trial Court. In case of said deposit having been made, the trial would proceed in accordance with law.
- ii) In case the said amount is not deposited within the aforesaid period, then the suit will be liable to be rejected.

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

17.02.2025

Pawan

Whether speaking/reasoned:-
Whether reportable:-

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No