

CR-1970-2025(O&M) 1

2025:PHHC:172673



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1970-2025(O&M)

Date of decision : 10.12.2025

Varinder Dhiman @ Virender

... Petitioner

Versus

Mewa Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Parminder Singh, Advocate
for the petitioner.

Mr.Vishal Pundir, Advocate
for respondent no.1.

Mr. Govind Chauhan, Advocate
for respondents no.4 and 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 order dated 19.03.2025 (Annexure P-9) vide which the application under Order 7 Rule 11 CPC has been allowed and the plaintiff has been directed to pay court fee.

2. On 01.04.2025, this Court was pleased to pass the following order:-

*“Present:- Mr. Parminder Singh, Advocate
for the petitioner.*



Inter alia, contends that the plaintiff in the suit has sought to challenge the sale deed to which he is not a party. It is submitted that the only relief of permanent injunction restraining the defendants from dispossessing the plaintiff has been sought and no relief of possession has been sought and thus, the impugned order requiring the plaintiff to pay court fee is against law. It is further submitted that there is no specific order rejecting the plaint.

Notice of motion for 25.09.2025.

The operation of order dated 19.03.2025 is stayed.

It is made clear that the stay of the impugned order should not be construed as stay of the proceeding before the trial Court, which would continue.

April 01, 2025”

3. Learned counsel for the petitioner has submitted that admittedly the petitioner was not a party to the sale deed and the only prayer made by the petitioner was for permanent injunction. It is further submitted that as per order dated 17.08.2023, issue no.7 has been specifically framed which is with respect to court fee. The zimni order dated 17.08.2023 has been handed over by the learned counsel for the petitioner during the course of hearing, which is taken on record and the same is reproduced hereinbelow:-

*“Present: Sh. Surinder Kumar, counsel for plaintiff.
Sh. Ravinder Rana, counsel for defendant no.1.
Sh. Ravinder Rathor, counsel for defendants no.
2,3(a)(b)(c).
Sh. Gobind Chauhan, counsel for defendant no. 4
and 5.
Sh. Surjit Singh, counsel for defendant no.6.
Defendant no.7 ex-parte v.o.d. 22.07.2019.
Sh. N.K. Rana, counsel for defendant no.8.*



Replication filed. From the pleadings of the parties, following issues are framed for determination:

- 1. Whether the plaintiff is entitled to relief of declaration as prayed for? OPP*
- 2. Whether the plaintiff is entitled to relief of Permanent Injunction as prayed for?OPP*
- 3.Whether the suit is not legally maintainable?OPD*
- 4. Whether the plaintiff has no locus standi and cause of action to file and maintain the present suit ?OPD*
- 5. Whether the plaintiff is estopped by his own act and conduct from filing the present suit?OPD*
- 6. Whether the plaintiff has not come to this court with clean hands and suppressed true material and facts from the Court?OPD*
- 7.Whether the suit is not property valued for the purpose of Court fee and jurisdiction as prayed for? OPD*
- 8. Relief.”*

Learned counsel for the parties have not pressed any other issue. Onus of proof not objected to. Now to come up on 10.01.2024 for evidence of the plaintiff. PF/DM, list of witnesses if any be filed failing which plaintiff shall produce his evidence at his own responsibility.

(Prateet Singh)
CJ/JD Karnal.
UID No.HR-0435

Date of order: 17.08.2023”

It is submitted that at any rate, the impugned order be set aside and the trial Court be directed to decide issue no.7 along with main case.

4. Learned counsel for the respondents have submitted that in case the said course of action is adopted, then, the respondents be granted liberty



to raise all pleas as are available to them under all the issues including issue no.7 and the trial Court be directed to decide issue no.7 along with main case.

5. Keeping in view the above said facts and circumstances and the fair stand taken by the learned counsel for the petitioner as well as learned counsel for the respondents, the present revision petition is partly allowed and the impugned order dated 19.03.2025 is set aside with the following observations / directions:-

- i) Since the trial Court has specifically framed issue no.7 which is on the aspect of the court fee, thus, it would be open to both the parties to raise all the pleas available to them under the said issue in addition to the other issues. The trial Court would decide issue no.7 along with other issues at the time of final adjudication of the case independent of the observations made in the impugned order, in accordance with law.
- ii) This Court has not opined on the merits of the case. It would be open to both the parties to raise all the pleas as are available to them on all the issues including issue no.7, before the trial Court.

(VIKAS BAHL)
JUDGE

December 10, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No