



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

CR-3232-2024 (O&M)
Date of decision: 03.03.2025

Roshan Devi ..Petitioner
Versus
Urmila ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S.Dhindsa, Advocate for the petitioner
Mr.Dhruv Sihag, Advocate for the respondent

ANIL KSHETARPAL, J. (Oral)

The petitioner herein is the defendant in the plaintiff's suit for mandatory and permanent injunction. In substance, the plaintiff has also sought possession of the property. The defendant filed an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to reject the plaint on the ground that the proper court fee has not been paid, which was dismissed by the trial court. Another application under Order VII Rule 11 CPC was filed, which has again been dismissed. In view of **Ratnavermaraju vs. Smt. Vimla AIR 1961 SC 1299**, further appeal or revision is not maintainable at the behest of the defendant because the question of payment of court fee is between the court and the plaintiff. In any case, the defendant will have opportunity to contest the case by taking all defences as are permissible in law.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

03.03.2025

rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No