



123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5394-2023 (O&M)
Date of decision : 05.03.2025

Prem Chabra(deceased) through his LRS ...Petitioner
Vs.
Sangeeta and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Nomish Kumar, Advocate
for the petitioner.

Mr. Bhupinder Singh, Advocate
for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is the defendant in the plaintiff's suit for possession by way of partition, seeking a decree of declaration alongwith the consequential relief of permanent injunction.
2. The petitioner filed an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 to reject the plaintiff's plaint on the ground that *ad valorem* Court fee has not been paid. The Court below had dismissed his application vide order dated 02.12.2022.
3. In view of the judgment passed by the Supreme Court in 'Ratnavermaraju vs. Smt. Vimla', AIR 1961 SC 1299, the defendant has no right to file an appeal or revision to challenge such order because primarily the dispute with regard to payment of Court fee is between the Court and the plaintiff.
4. Hence, no ground to interfere is made out.
5. The revision petition is dismissed.
6. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

05.03.2025

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No