



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5318-2022

Date of decision : 12.08.2025

Sudesh Rani and another

... Petitioners

Versus

Usha Rani and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ishmeet Singh, Advocate for
Mr.Sherry K. Singla, Advocate
for the petitioners.

Mr. Rahul, Advocate for
Mr. Naveen Batra, Advocate
for respondent no.1.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 06.09.2022 (Annexure P-4) passed by the Civil Judge (Jr.Div.), Sri Anandpur Sahib, vide which the application under Order 7 Rule 11 CPC filed by the petitioners-defendants no.1 and 3 for rejection of plaint has been dismissed.

2. A Co-ordinate Bench of this Court in case titled as “***Arun Kumar Goyal Vs. Payal Aggarwal***, reported as ***2013(4) R.C.R. (Civil) 93***, had observed that no revision would lie at the instance of the defendant against the decision on the question of inadequacy of court fee as the question of non-payment of Court fee is a dispute between the litigant and the Registry. Reliance in the said judgment was placed upon various



judgments. Paras No.9 and 10 of the said judgment are reproduced as under:-

*“9. Admittedly, the dispute is of the court fee. Learned counsel for the respondent before raising any argument on the merits of the case has raised a preliminary objection that no revision is maintainable in case of payment of court fee. It has been held in various judgments that the question of non-payment of court fee is a dispute between the litigant and Registry whether it arises at the stage of presentation of plaint or the appeal and the respondent is normally not interested in such a dispute. As per ratio of judgment in case titled **Shamsher Singh v. Rajinder Prashad, 1973 PLJ 686**, revision or appeal can be filed if there is a dispute of jurisdiction. In case the question of jurisdiction is not involved then revision cannot be filed. This issue was interpreted by the Kerala High Court in **Vasu v. Chakki Mani, AIR 1962 Kerala 84** wherein it was held that no revision will lie against the decision on the question of inadequacy of court fee at the instance of the defendant. The judgment of Apex Court in **Sri Rathnavarmarajas case (supra)** was also followed by the Full Bench of this Court in **M/s. Arjan Motors v. Girdhara Singh and others, 1978 PLJ 36**. As per Full Bench judgment of this Court it was held that question of court fee cannot be agitated by the litigants in a petition under section 115 of the Civil Procedure Code.*

*10. The present case is squarely covered by a judgment of Full Bench of this Court rendered in **M/s. Arjan Motors case (supra)**. Accordingly, in view of the facts as mentioned above and the settled position of law in case of payment of court fee, no revision is maintainable.*

Dismissed.



Revision Dismissed”

3. Learned counsel for the petitioners has submitted that the objection with respect to the suit not being properly valued for the purpose of court fee and jurisdiction and ad-valorem court fee not being paid, has been taken in the written statement and has submitted that in view of the abovesaid proposition of law, the present petitioners be permitted to withdraw the present petition with liberty to raise the abovesaid plea of court fee as well as other pleas which are available to them in accordance with law. It is submitted that the said plea be independently decided during the course of trial, uninfluenced by the observations made in the impugned order.

4. Learned counsel for respondent no.1 has submitted that he has no objection to the said course of action.

5. Keeping in view the above said facts and circumstances, the present petition is dismissed as withdrawn with liberty to the petitioners to raise all pleas, which have been raised in the written statement including the plea of court fee and the said plea would be considered independently de hors the observation made in the impugned order dated 06.09.2022 (Annexure P-4) by the trial Court at the stage of final adjudication after hearing both the parties concerned.

(VIKAS BAHL)
JUDGE

August 12, 2025.
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No