

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

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RSA-180-2025 (O&M)

Date of Decision: August 20th, 2025

Chief Administrator, HSAMB and Another

.....Appellants

Vs.

Lalit Kumar Gupta

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

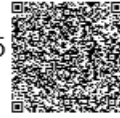
Present: Ms. Nikita Goel, Advocate
for the appellants.

CM-541-C-2025

1. The present application has been filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 257 days in filing the present appeal.
2. For the reasons mentioned in the application which is supported by an affidavit, the application is allowed.
3. The delay of 257 days in filing the present appeal is condoned.

RSA-180-2025

1. The present regular second appeal is preferred against judgment and decree dated 19.04.2022 passed by learned Civil Judge (Senior Division), Fatehabad, whereby, the suit filed by the respondent was decreed in his favour and the respondent was held entitled for fee of 33 cases separately alongwith interest @9% from the date of submission of bill by the respondent in the office of appellants till its final realization and judgment and decree dated 09.01.2024 passed by learned Additional District Judge,

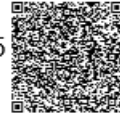


Fatehabad, whereby appeal filed by the appellants against judgment and decree dated 19.04.2022 was dismissed.

FACTS NOT IN DISPUTE

2. Brief facts of the case are that respondent is a practicing advocate at District and Sessions Court Fatehabad and he was impaneled with the appellants vide letter dated 06.10.2015. He conducted many cases of appellant. He was engaged for defending the cases on behalf of HSAMB/Market Committee, Bhattu Mandi and his fee was paid as per the notification dated 02.09.2015. The appellants engaged him to defend on behalf of HSAMB/Market Committee Bhattu Mandi, District Fatehabad in 33 civil suits before the trial Court and 33 cases were tried in different-different Courts fixed for different-different dates and different-different proceedings and separate individual written statement was prepared and submitted in each case before different Courts and all cases were tried separately, separate evidence in each case and separate arguments in each case were conducted and even judgment and decree in each case was separately given, therefore, respondent submitted 33 bills claiming the fee and expenses of each case separately but appellant did not make the payment of bills as claimed by respondent.

3. Therefore, he filed civil suit claiming fee for each case. The civil suit filed by him was decreed in favour vide judgment and decree dated 19.04.2022. Appellant filed appeal against judgment and decree dated 19.04.2022 which was dismissed by Additional District and Sessions Judge, Fatehabad, vide its judgment and decree dated 09.01.2024. Hence, the present appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES**

4. Learned counsel for the appellant contends that both the Courts did not appreciate the fact that 33 cases were of the same nature and connected with each other, therefore, the respondent was not entitled to fee of 33 cases separately.

5. She further contends that as per fee circular (Ex.D-8), the fee of Rs.11,000/- per case including 10% clerkage (additional amount @ 25% of the fee for each additional case) is to be paid in bunch matter by treating it as one case.

6. I have heard learned counsel for the appellant and perused the whole record of this case.

ANALYSIS OF THE RECORD

7. A perusal of the record shows that the suit filed by the respondent is rightly decreed in his favour since DW1 in his cross-examination admitted that in all the cases in which respondent represented the appellants separate plaint, separate written statement was filed on different dates and in different courts.

8. He further admitted that facts of all the cases were different from each other and in every case separate evidence was produced and cross-examination of all the witnesses in the cases were separate from each other. He further admitted that in each case independent arguments were raised by respondent and separate judgment was passed in each case.

CONCLUSION

9. In view of the above, I do not find any infirmity in judgment and decree dated 19.04.2022 passed by learned Civil Judge (Senior



Division), Fatehabad and judgment and decree dated 09.01.2024 passed by learned Additional District Judge, Fatehabad and the same are hereby upheld.

10. Consequently, the present appeal is dismissed.

11. Learned counsel for the appellant contends that execution application was filed in judgment and decree dated 19.04.2022 by the respondent and vide order dated 24.10.2024, the same was disposed of since decretal amount was paid.

12. Pending application (s) if any also stands disposed of.

August 20th, 2025

Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No