

2026:PHHC:079776



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

**123**

**CR-2568-2026**

**Date of decision :19.05.2026**

**RAJBEER SINGH**

**... PETITIONER**

**VERSUS**

**M/S POLY CAST SPUN PIPES**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

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

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**PARMOD GOYAL, J.**

1. The present revision petition has been preferred by the petitioner under Article 227 of the Constitution of India for setting aside of the impugned order dated 08.01.2026 (Annexure P-5) passed by the learned District Judge, Panchkula, whereby the application filed by the petitioner for restoration of the appeal and for affixation of court fee was dismissed.

2. The brief facts of the case are that vide judgment and decree dated 02.02.2024 (Annexure P-2) passed by the learned Civil Judge (Junior Division), Kalka, the suit instituted by the respondent- plaintiff for recovery of ₹5,93,088/- along with interest @ 6% per annum was decreed and petitioner-defendant was directed to pay the principal amount along with pendente lite interest @ 6% per annum within three months from the date of passing of the judgment and decree dated 02.02.2024.

3. Appeal against judgment and decree dated 02.02.2024 was preferred by petitioner-defendant along with application seeking time to affix

Court fee. On his application, time was granted to petitioner-defendant and the matter was adjourned for affixation of court fee and the petitioner-defendant was directed to affix the requisite court fee by 15.07.2024.

4. On 15.07.2024, another application for extension of time to affix court fee was moved, which was also allowed, and the petitioner-defendant was directed to affix the court fee on or before 12.08.2024. However, despite sufficient opportunity, the court fee was not deposited, and accordingly, the appeal preferred by the petitioner-defendant was dismissed for want of proper Court fee.

5. Thereafter, on 14.11.2025, after a delay of about 1½ years from the dismissal of the appeal, the petitioner-defendant filed an application for affixing court fee and for revival/restoration of the appeal. The said application was dismissed vide impugned order dated 08.01.2026. It was held that in view of **Swaran Singh and others Vs. Munish Mahajan and others**, CR-4932-2027 decided by this Court on 10.12.2024, restoration of the appeal is not permissible, and accordingly, the application was dismissed.

6. On consideration, I do not find any illegality or perversity in the impugned order dated 08.01.2026.

7. In the present case, the appeal was dismissed on 12.08.2024, and the said order attained finality. The subsequent application filed on 14.11.2025 for affixation of court fee could not give rise to a fresh cause of action in favour of the petitioner-defendant. It is not open to the petitioner to seek revival of the appeal at his own convenience and after inordinate delay.

8. The appeal ought to have been filed with the requisite court fee, or in the alternative, the court fee should have been affixed within the time granted

by the learned Appellate Court. Failure to do so naturally resulted in dismissal of the appeal, which is precisely the consequence that ensued in the present case.

9. The order dismissing the appeal could have been assailed before the higher Court by way of revision within a reasonable period. However, no such remedy was availed of within time. Instead, the application for affixation of court fee and revival of appeal was moved only on 14.11.2025, after an unexplained delay of approximately one and a half years.

10. Accordingly, the claim of the petitioner-defendant is clearly barred by delay and laches, and is not maintainable by way of application. Therefore, the learned Appellate Court rightly rejected the application for affixation of court fee and revival of the appeal.

11. The present revision petition, being devoid of merit, is accordingly dismissed.

12. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

19.05.2026  
manoj

(PARMOD GOYAL)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |