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

CR-2109-2026 (O&M)
Date of decision: 06.03.2026

Gurwinder Singh and another

...Petitioners

Versus

Gurdit Kaur @ Kashmir Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naresh Kumar Khepar, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 06.11.2025 (Annexure P-10) passed by the Civil Judge (Junior Division), Pehowa, District Kurukshetra.

2. Learned counsel for the petitioners has submitted that two objections have been raised by the petitioners in their application filed under Order 7 Rule 11 CPC. One being with respect to Court fees and other being with respect to limitation.

3. It would be relevant to note that 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”

4. Learned counsel for the petitioners has submitted that the petitioners are still to file written statement thus, he seeks permission of this Court to withdraw the present revision petition with liberty to the petitioners to raise all the objections including the objections on the abovesaid two aspects in the written statement and during the course of trial.

5. In view of the above, the present revision petition is dismissed as withdrawn with liberty aforesaid.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

06.03.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No