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

CR-2374-2026

Date of decision: 13.03.2026

Kulwinder Kaur and others

...Petitioners

Versus

Jagir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankur Lal, 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 12.02.2026 (Annexure P-1) passed by the Civil Judge (Junior Division), Pehowa, whereby an application filed under Order 7 Rule 11 CPC for rejection of the plaint has been dismissed.

2. The defendants are challenging the impugned order on the ground that the plaintiffs were required to pay the ad valorem Court fee.

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 in view of the above judgment, since the petitioners have already taken the point with respect to inadequacy of Court fee in the written statement dated 23.02.2023, thus, they be permitted to withdraw the present revision petition with liberty to raise the said plea during the course of trial and at the stage of final adjudication and the trial Court be requested to decide the said aspect/issue dehors the observations made in the impugned order.

5. Keeping in view the abovesaid facts and circumstances, the petitioners are permitted to withdraw the present revision petition with liberty to raise the pleas which have been raised in the written statement including the plea of inadequacy of Court fee which has been taken in para 7 of the preliminary objections in the written statement dated 23.02.2023 before the trial Court and at the stage of final adjudication and in case, they argue the said point, then, the trial Court is requested to decide the same at the time of final adjudication, dehors the observations made in the impugned order.

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

13.03.2026*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**