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

CR-2901-2026

Date of decision: 06.04.2026

Amarjeet Kaur

Petitioner

Versus

Pavitra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Dr. Anand Kumar Bishnoi, Legal Aid Counsel
Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the orders dated 17.07.2025 (Annexure P-1) and dated 09.01.2026 (Annexure P-8) passed by the Additional Civil Judge (Senior Division), Fatehabad.

2. 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”

3. Learned counsel for the petitioner has submitted that in view of the same and also in view of the fact that in para 8 of the preliminary



objections in the written statement, the petitioner-defendant No.1 has specifically taken up a point that the Court fee which has been affixed along with the plaint is not adequate thus, the petitioner be permitted to withdraw the present revision petition with liberty to raise the said plea during the course of trial. It is, however, prayed that the trial Court be directed to decide the said plea, in accordance with law, uninfluenced by the observations made in the impugned orders dated 17.07.2025 and 09.01.2026.

4. Keeping in view the abovesaid facts and circumstances, the present petitioner is permitted to withdraw the present revision petition with liberty to pursue her plea with respect to inadequacy of Court fee during the course of trial and in case the said plea is raised, the trial Court would decide the said plea at the stage of final adjudication, in accordance with law, after hearing both the parties, de hors of the observations made in the impugned orders dated 17.07.2025 and 09.01.2026.

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

06.04.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No