2026:UHC:9930

HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Revision No. 153 of 2026

30th October, 2026

Dr. Badri Prasad Naithani ----------Revisionist

Versus

Smt. Basanti Devi ----------Respondent

Presence:-

Mr. Vikas Bahuguna, learned counsel for the revisionist.

Hon'ble Mr. Subhash Upadhyay, J.

1. The revisionist has assailed an order dated 08.10.2026, passed by learned Judge, S.C.C./District Judge, Pauri Garhwal, in S.C.C. Case No. 13 of 2026, Smt. Basanti Negi @ Basanti Devi vs. Dr. B.P.Naithani, whereby the application being Paper No. 17-C, filed by the revisionist was partly allowed and the respondent was directed to make good the court fee, however the opportunity of the revisionist to file written statement was closed.

2. Learned counsel for the revisionist submits that as the learned Court below has come to the conclusion that there is a statutory obligation of the plaintiff to deposit the deficient Court fee within time and time was granted to the respondent to deposit the balance amount of the Court fee, as such, the learned

Court below ought to have extend the time period of filing the Written Statement.

3. Learned counsel for the revisionist has also taken a ground that the case was not maintainable before the Court, in view of the Uttarakhand Tenancy Act, 2021. However, the said point is not been pressed before this Court at this stage and the revisionist would be at liberty to raise all points including the issue of maintainability at an appropriate stage.

4. Learned counsel for the revisionist submits that an appropriate opportunity was to be granted to the revisionist to submit the Written Statement before the court below as the learned court below had granted time to the respondent to make good the deficiency in the court fee, as such, the prayer made by the revisionist to file the Written Statement ought to have been allowed.

4. Having heard the learned counsel for the revisionist this Court is of the view that as the respondent has yet to make good the deficiency in Court fees as such as an opportunity is liable to be given to the revisionist to file the written statement.

5. The order dated 08.10.2026, passed by learned Judge, S.C.C./District Judge, Pauri Garhwal, in S.C.C.

Case No. 13 of 2026, Smt. Basanti Negi @ Basanti Devi vs. Dr. B. P. Naithani, is accordingly set aside. The revision is allowed and the revisionist is granted an opportunity to file the Written Statement within three weeks. In case, the said Written Statement is not filed within three weeks from today, then the revisionist shall not be entitled to any benefit of this order.

(SUBHASH UPADHYAY, J.)

Dated: 30.10.2026
Kaushal