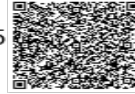


**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****CR-2916-2025 (O&M)****Date of decision: 14.05.2025****M/s. A1 Naved Agro Food Industries Pvt. Ltd.****...Petitioner(s)****Vs.****Mohd. Yunush****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Yash Gupta, Advocate for the petitioner.

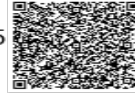
NIDHI GUPTA, J.

The present civil revision petition has been filed by the petitioner under Article 227 of The Constitution of India for setting aside impugned orders dated 01.02.2025 and 16.04.2025 (Annexures P-5 and P-6) passed by Ld. Additional Civil Judge (Senior Division), Ferozepur Jhirka, District Nuh, whereby the Ld. Court below has gone beyond the ambit of Order 7 Rule 11 Civil Procedure Code by keeping on adjourning the case and keeping the suit in abeyance on behest of plaintiff for the purpose of paying ad-valorem court fees as per the order dated 04.11.2024 passed by Ld. Additional Civil Judge (Senior Division), Ferozepur Jhirka directing plaintiff/respondent to affix ad-valorem court fee in accordance with definite sum of Rs. 23,43,100/-, without any just and reasonable cause, which is wrong and illegal, in an wholly arbitrary manner. Thus, impugned orders warrant and deserve to be set aside and the plaint be rejected in exercise of its extra ordinary jurisdiction by this Hon'ble Court since



impugned orders suffer with material irregularity and jurisdictional error being against bare provisions as well as settled principles of law and principles of natural justice and fair trial.

2. It is *inter alia* submitted by learned counsel for the petitioner that after passing of order dated 04.11.2024 (Annexure P-4) whereby application filed by the petitioner under Order 7 Rule 11 CPC was allowed and respondent/plaintiff was directed to affix ad valorem court fee for an amount of Rs.23,43,100/-, the learned trial Court has been adjourning the matter for no rhyme or reason. On 01.02.2025, the matter was taken up however plaintiff did not pay ad valorem court fee and adjournment was sought by the plaintiff, without any reasonable cause and proper cause; and learned trial Court adjourned the case to 16.04.2025 without giving any just and reasonable cause and merely by putting a cost of Rs.1,000/-. Even as per zimni order dated 16.04.2025 (Annexure P-6), plaintiff again sought adjournment which was granted by the learned trial Court and the matter now stands adjourned to 22.07.2025 for payment of ad valorem court fee merely by imposing costs of Rs.1,500/-. Learned counsel contends that the impugned orders dated 01.02.2025 and 16.04.2024 have been passed in an undue haste manner without adopting or following any procedure of law, mechanically and in an arbitrary manner, on flimsy grounds thus denying the opportunity of fair trial to the petitioner. Vide impugned orders dated 01.02.2025 and 16.04.2025, the matter has been unnecessarily adjourned without assigning any legally sustainable cogent rhyme or reasons, by way of no speaking order. Learned counsel relies upon judgment passed by a



Coordinate Bench of this Court in "***Gian Chand vs. Bimal Kumar***", Law Finder Doc Id # 400816.

3. It is accordingly prayed that the present revision petition be allowed; and the impugned orders dated 01.02.2025 and 16.04.2025 (Annexures P-5 and P-6 respectively) be set aside.

4. No other argument is raised on behalf of the petitioner.

5. I have heard learned counsel for the petitioner and perused the case file in great detail.

6. The brief facts of the case are that the respondent/plaintiff had filed the Civil Suit No. 294 dated 05.09.2024 (Annexure P-1) seeking mandatory and permanent injunction against the petitioner. It is the case in the plaint, that plaintiff has installed a water bore-well for irrigation of his fields. Meat factory of the defendant is situated close by which does not have water supply. The defendant had contacted the plaintiff for providing water supply to meat factory which was accepted by the plaintiff with the condition on quantity of water. However, the defendant took one lakh litre water daily to his factory. When the plaintiff came to know this, plaintiff contacted the defendant and asked him to pay for the excess quantity of water provided by the plaintiff. However, the defendant refused to make this payment. As such, the suit was filed *inter alia* seeking Rs.20 lacs for spoiling the pipeline by pouring dirty water and also to pay the regular amount which was settled between the parties and permanent injunction restraining the defendant from releasing dirty water in the pipeline of the plaintiff.



7. Defendant had filed an application dated 21.09.2024 (Annexure P-2) under Order 7 Rule 11 CPC seeking rejection of the plaint on the ground that though plaintiff had sought recovery of specific amount of Rs.23,43,100/- yet, no court fee had been paid by the plaintiff. The said application of the petitioner was allowed by the learned trial Court vide order dated 04.11.2024 (Annexure P-4) for payment of ad valorem court fee. It is the grievance of the petitioner that, thereafter, vide impugned zimni orders dated 1.2.2025 and 16.04.2025, matter has adjourned by the learned trial Court to enable the plaintiff to pay ad valorem court fee.

8. I find no error in the impugned orders. As held by coordinate Bench of this Court in the judgment relied upon by the petitioner in ***Gian Chand supra***, opportunity needs to be granted to the plaintiff to deposit ad valorem court fee. In the said judgment it has been held that if the trial court finds that proper court fee has not been paid, liberty has to be given to the plaintiff to pay the deficient court fee and if he still fails to pay the same, then and only then, the plaint may be rejected under Order 7, Rule 11 Civil Procedure Code. As such, there is no error made by learned trial Court in granting opportunities to the plaintiff to deposit ad valorem court fee. It is at the discretion of the learned trial Court to ensure that opportunity is granted to the plaintiff to deposit requisite court fee. However, the same has to be exercised judiciously. Thus, prayer of the petitioner for setting aside impugned orders dated 01.02.2025 and 16.04.2025 (Annexures P-5 and P-6 respectively) is rejected. However, keeping in view the entire facts and circumstances of the case, it is directed



that in case plaintiff fails to affix requisite court fee by the next date of hearing fixed before the learned trial Court, which is stated to be 22.07.2025, no further opportunity shall be granted to the plaintiff.

9. In the above terms, the present civil revision petition is hereby **disposed of.**

10. Pending application, if any, stands disposed of.

14.05.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No