



CR-4403-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(121)

CR-4403-2025

Date of Decision: - 17.07.2025

Dinesh Kumar

...Petitioner

Versus

Chaman Singh (now deceased) through his LR and another

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sanjiv Kumar Aggarwal, Advocate,  
for the petitioner. (Through VC)

\*\*\*\*

VIKAS BAHL, J. (ORAL)

1. Present civil revision has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 19.04.2025 (Annexure P-1) passed by the Civil Judge (Junior Division), Ambala in Civil Suit No.CS/1793/2022, whereby an application dated 22.08.2024 (Annexure P-3) under Order VII Rule 11 read with Section 151 CPC filed by the petitioner/defendant No.1 has been dismissed.

2. 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.*



CR-4403-2025

-3-

***Revision Dismissed***

3. Learned counsel for the petitioner, in view of the above, has submitted that he be permitted to withdraw the present revision petition with liberty to raise all pleas which are available to the petitioner, including with respect to the issue of Court fee, in the written statement to be filed by him and also during the course of trial.

4. Dismissed as withdrawn, with the aforesaid liberty.

July 17, 2025  
*naresh.k*

( VIKAS BAHL )  
JUDGE

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No