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

CM-16086-CII-2025 in/and  
CR-2478-2022 (O&M)  
Date of decision: 30.09.2025

Dr. M.P. Singh and others

...Petitioners

Versus

Darshan Kaur and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Bhushan Bhatia, Advocate for the petitioners.

Mr. Tajender Singh, respondent No.5 in person.

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**VIKAS BAHL, J. (ORAL)**

**CM-16086-CII-2025**

1. This is an application filed under Order 41 Rule 19 CPC for restoration of the case and recalling of order dated 08.07.2025.

2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and order dated 08.07.2025 is recalled and the main case is restored to its original number and is taken on Board today itself for final disposal.

**Main case**

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 07.05.2022 (Annexure P-1) passed by the Civil Judge (Junior Division), Ambala whereby the



application filed by the petitioners/defendants under Order 7 Rule 11 CPC for rejection of plaint has been dismissed.

2. The trial Court, vide order dated 07.05.2022, had dismissed the application filed by the petitioners/defendants under Order 7 Rule 11 CPC and the plea raised by the defendants to the effect that adequate court fee had not been affixed was rejected by the trial Court by observing that damages claimed by the plaintiffs were tentative and thus, at that stage, it could not be said that they would get the whole amount as damages and thus, the plaintiffs could not be forced to pay the ad valorem court fee. Reliance in the said regard was placed upon the judgment of the Coordinate Bench of this Court in case titled as ***Manpreet Singh Vs. Gurmail Singh and others*** reported as ***2017(1) RCR (Civil) 230***. It was further observed that the case was at the initial stage and, therefore, the issues which had been raised under Order 7 Rule 11 CPC would be decided at the stage of final hearing and the application was accordingly rejected.

3. A perusal of the paper book would show that there is no stay in favour of the present petitioners. It is not disputed before this Court that in the present case, the issues have already been framed and the evidence of the plaintiffs has already started.

4. Learned counsel for the petitioners has submitted that the Court fee affixed is inadequate. The only issue which has been raised before this Court is with respect to inadequacy of Court fee.

5. 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”***

6. No contrary judgment has been cited by learned counsel for the petitioners. Thus, the present revision petition at the instance of the petitioners, who are defendants in the suit, on the aspect of Court fee, is not maintainable.

7. Learned counsel for the petitioners has submitted that in view of the abovesaid judgment, since in the impugned order it has been stated that the question of inadequacy of Court fee shall be decided at the final stage, thus, the petitioners be permitted to raise the said question of inadequacy of Court fee at the stage of final arguments.

8. Keeping in view the abovesaid facts and circumstances, the present revision petition is disposed of while upholding the order dated 07.05.2022 (Annexure P-1) passed by the trial Court, granting liberty to the petitioners to raise the plea with respect to alleged inadequacy of Court fee at the stage of final arguments of the case, which plea would be considered independently, in accordance with law and after hearing all the parties concerned.

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

**30.09.2025**

*Pawan*

**(VIKAS BAHL)**  
**JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**