

CR-4710-2025

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2025:PHHC:092150



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-4710-2025

Date of decision : 24.07.2025

Sheela Devi

... Petitioner

Versus

Sanjeev Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Abhinav Singla, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 03.05.2025 (Annexure P-10) passed by the Additional Civil Judge (Sr.Div.), at Mandi Dabwali, District Sirsa, vide which the application under Order 7 Rule 11 CPC 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.

Revision Dismissed”

3. Learned counsel for the petitioner has submitted that in view of the abovesaid judgment, the present petitioner be permitted to withdraw the present petition with liberty to raise all pleas including the plea of inadequate court fee during the course of proceedings under Order 23 Rule 3, 3-A CPC.

4. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

**(VIKAS BAHL)
JUDGE**

July 24, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No