



CR-5793-2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(205)

CR-5793-2017

Date of decision: - 22.08.2025

**Bikramjit Singh**

....Petitioner

Versus

**Mohinderjit Singh (Deceased) through LRs and others**

.....Respondents

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**Present:- Mr. K.S. Dhillon, Advocate  
for the petitioner.Mr. M.S. Sachdev, Advocate  
for respondents No.1 and 2.Mr. N.S. Gill, Advocate  
for Mr. Munish Gupta, Advocate  
for respondents No.4 to 7.

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

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 21.07.2017 (Annexure P-5) and order dated 17.08.2017 (Annexure P-6) passed by the Civil Judge (Junior Division), Jalandhar, whereby application filed by the present petitioner under Order 7 Rule 11 CPC for rejection of the plaint has been dismissed.

2. A perusal of the paper-book would show that initially the Co-ordinate Bench of this Court vide order dated 29.08.2017 had stayed



the further proceedings, but thereafter vide order dated 28.02.2020 the Co-ordinate Bench of this Court had modified the said stay order and it was ordered that the proceedings before the trial Court may continue but passing of the final order shall remain stayed.

3. On a pointed query raised by this Court, learned counsel for the petitioner, who is respondent No.2 in the counter-claim, has fairly submitted that the reply to the counter-claim has not been filed.

4. Learned counsel for the petitioner has submitted that in the present case, counter-claimants are at least required to pay ad valorem Court fee to the extent of the share of counter-claimants/respondent Nos.1 and 2, which is being claimed in the suit property. It is further submitted that the observations made in the impugned orders to the effect that respondent Nos.1 and 2 are not required to pay any ad valorem court fee is not in accordance with law.

5. On the other hand, learned counsel for respondents No.1 and 2 has submitted that respondents No.1 and 2 being co-sharers in the property are not required to pay any ad valorem court fee.

6. During the course of hearing, it has been fairly stated on behalf of the petitioner and respondents No.1 and 2 that since reply to the counter-claim is yet to be filed by the petitioner, thus, the petitioner may be permitted to raise the said plea in the said reply and a specific issue with respect to court fee be framed and the same be decided by the trial Court after granting due opportunities to both the parties to lead their evidence on the said issue and on the other issues, at the stage of final



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adjudication and the same be done independent of the observations made in the impugned orders.

7. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of the petitioner and respondents No.1 and 2, the present revision petition is disposed of with the following observations/directions: -

- (i) It would be open to the petitioner to raise the plea with respect to inadequacy of court fee in the reply to the counter-claim.
- (ii) In case such a plea is taken, then, the trial Court apart from framing other issues, would also frame the issue of court fee.
- (iii) Both the parties would be at liberty to lead all evidence on the said issue in addition to the other issues and the said issues would be finally adjudicated by the trial Court at the time of final adjudication of the case after considering the entire evidence and after hearing all the parties concerned, uninfluenced by the observations made in the impugned orders.

August 22, 2025  
*naresh.k*

( VIKAS BAHL )  
JUDGE

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No