



CR-5851-2025 (O&M)

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

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**CR-5851-2025 (O&M)
Decided on :- 05.09.2025**

Ishwar Singh

...Petitioner

VERSUS

Sanjay

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. M.S.Kundu, Advocate for the petitioner.

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MANDEEP PANNU J.

1. Present revision petition has been directed against the order dated 15.07.2022 passed by the learned Appellate Court whereby the appeal filed by the petitioner was dismissed for want of court fee.
2. During the hearing of the present revision petition, the petitioner has given an undertaking before this Court that he is ready and willing to furnish the requisite court fee before the lower Appellate Court.
3. I have considered the submissions made by the learned counsel for the petitioner.
4. It is well settled that the provisions of Section 149 CPC are enabling in nature and are intended to advance the cause of justice. A memorandum of appeal filed with deficient court fee is not a nullity; it remains a defective document which can be validated upon payment of the requisite court fee.
5. In the present case, dismissal of the appeal for want of court fee has the effect of depriving the petitioner of his valuable right of appeal. In the interest of substantial justice, the impugned order dated 15.07.2022 cannot be sustained.



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6. Accordingly, the revision petition is allowed. The impugned order dated 15.07.2022 passed by the learned Appellate Court is hereby set aside. The petitioner is granted liberty to make good the deficiency in court fee within a period of two weeks from the date of receipt of copy of this order. Upon deposit of the requisite court fee within the aforesaid period, the appeal shall be restored to its original number and decided on merits in accordance with law. In case of default, the dismissal of appeal shall stand affirmed.

7. Pending application(s), if any, also stand disposed of.

September 05, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No