



317

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

CR-5366-2023 (O&M)

Date of Decision : 24.09.2025

Hardeep Singh ... Petitioner(s)

Versus

Daljit Bahia & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Goyal, Advocate for the petitioner.

Mr. Sapan Dhir, Advocate for respondent Nos.1 to 3.

Mr. Rohit Chandel, Advocate and

Mr. Anil Kumar Chauhan, Advocate for respondent No.4.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 09.12.2021 whereby the appeal filed by the defendant-petitioner herein challenging the judgment and decree dated 05.10.2019 passed by the Trial Court was dismissed for not affixing the *ad valorem* court fees despite the last opportunity having been granted.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent Nos.1 to 3 herein filed a suit for declaration challenging four sale deeds - two dated 11.06.2010 and the others dated 10.02.2011 and 06.04.2011 - as being fraudulent sale deeds. The suit was decreed vide judgment and decree dated 05.10.2019. On 05.10.2021 a compromise is stated to have been entered into between the parties, which has been appended as Annexure A-1 with CM-2320-CII-2025.

3. During the course of the arguments, learned counsel for the

plaintiff-respondent Nos.1 to 3 has not been able to deny the factum of having signed the compromise. However, he states that the compromise was not acted upon by the defendant-petitioner himself. Based on the said compromise, a quashing petition being CRM-M-45431-2021 was also filed in which the parties were directed to get their statements recorded. The said quashing petition was withdrawn by the defendant-petitioner herein on 02.03.2023. The defendant-petitioner herein thereafter filed the present revision petition in August 2023 challenging the order dated 09.12.2021.

4. Learned counsel for the defendant-petitioner would contend that there is a delay in filing the present revision petition. Though under Article 227 of the Constitution of India there is no limitation prescribed, however, an affidavit has been filed by way of CM-2320-CII-2025 wherein the delay that has occurred has reasonably been explained stating therein that the parties had actually entered into a compromise which is evident from the compromise itself, which has been appended as Annexure A-1 with CM-2320-CII-2025, and the quashing petition being CRM-M-45431-2021 which was filed before this Court and the orders passed thereupon. Learned counsel for the defendant-petitioner further states that given one opportunity, the defendant-petitioner would affix the *ad valorem* court fees. It is further the contention of the learned counsel that a first appeal is a valuable right and that in case the defendant-petitioner is not permitted to affix the *ad valorem* court fees, grave injustice would be caused to him as four sale deeds which were executed in favour of the defendant-petitioner had been cancelled vide the judgment and decree dated 05.10.2019 and further that even the compromise entered into between the parties on 05.10.2021 has also fallen through.

5. *Per contra*, learned counsel for the plaintiff-respondent Nos.1 to 3 would contend that though the compromise was entered into between the

parties on 05.10.2021, however, the same was never acted upon. It is further the contention of the learned counsel that it was the defendant-petitioner who had failed to perform his part of the agreement and, therefore, the compromise did not go through. It is further the contention that the revision petition ought to have been filed within a reasonable time.

6. I have heard learned counsel for the parties.

7. In the present case the present revision petition has been filed under Article 227 of the Constitution of India. Though there is no limitation prescribed, however, it is expected that an order is challenged within a reasonable time. In the present case, the parties admittedly had entered into a compromise on 05.10.2021. The appeal was dismissed for not affixing the *ad valorem* court fees on 09.12.2021. Thereafter, based on the compromise, which dealt with both the criminal case and the civil case, a quashing petition being CRM-M-45431-2021 was filed qua the FIR which had been lodged, in which, the counsel for respondent No.2 therein (plaintiff-respondent No.1 herein) had put in appearance and accepted notice. Thereafter, the parties were directed to get their statements recorded qua the factum of the compromise before the Trial Court/Illaq Magistrate. The order dated 09.05.2022 passed in CRM-M-45431-2021 reveals that the statement of respondent No.2 therein (plaintiff-respondent No.1 herein) was recorded before the Illaq Magistrate. However, since there were two other aggrieved persons/complainants, namely, Sukhwinder Singh and Kundan Singh, whose statements had not been recorded, the matter was adjourned and the petitioner and respondent No.2 therein were given liberty to move an appropriate application for getting the statements of the complainant/legal representatives of the complainant recorded afresh. Annexure A4 appended with CM-2320-CII-2025 reveals that the statements of the other two complainants were also recorded through the

power of attorney holder and the Chief Judicial Magistrate, Rupnagar gave a report dated 12.05.2022 wherein it has been stated that the compromise had been effected voluntarily with the accused i.e. petitioner herein, out of their own sweet will and without any pressure or coercion of any manner. Despite all the complainants having got their statements recorded, the petitioner for the reasons best known to him withdrew the quashing petition being CRM-M-45431-2021 on 02.03.2023.

8. The argument of the learned counsel for the defendant-petitioner that since there was a compromise going on and, therefore, he did not challenge the order dated 09.12.2021 earlier cannot be accepted in view of the facts as noted above and the conduct of the defendant-petitioner. Had it been a case where the plaintiff-respondent Nos.1 to 3 had resiled from the compromise and the defendant-petitioner did not challenge the order hinging his hopes on the compromise, it would be a fit case for interference. However, in the present case, it is the defendant-petitioner himself who resiled from the compromise as despite all the statements having been recorded, he withdrew the quashing petition. In view of his conduct, no leverage can be claimed by the defendant-petitioner for not having challenged the order dated 09.12.2021 within a reasonable period.

9. In view of the above, I do not find any ground to interfere in the present revision petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

24.09.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO