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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(126)

CR-1322-2025

Date of Decision: - 04.03.2025

Sarabjit Singh

...Petitioner

Versus

Havinder Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Raman Mohinder Sharma, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 11.11.2024 (Annexure P-4) passed by the Civil Judge (Junior Division), Dhuri, vide which the application for directing the plaintiff/respondent No.1 to affix ad valorem court fee on the value of document (transfer deed) 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.



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3. Learned counsel for the petitioner has submitted that in view of the above-said fact and also in view of the fact that the trial Court has observed in the impugned order that if after evidence it is found that the suit property is not a Joint Hindu Family Coparcenary property, then, the plaintiff can at any stage be directed to make good the deficient court fee, the petitioner seeks to withdraw the present revision petition with liberty to raise the said plea in the written statement and also during the course of trial.

4. Dismissed as withdrawn, with the aforesaid liberty.

March 04, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No