



RSA-2092-2017 (O&M)

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236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2092-2017 (O&M)
Date of decision : 15.05.2025

Col. R.S.Yadav Appellant

versus

Ishwar Singh & ors. Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. R.S.Randhawa, Advocate and
Mr. Abhinav Kansal, Advocate
for the appellant.

Ms. Pratibha Yadav, Advocate
for respondents No.1 to 3.

PANKAJ JAIN, J. (ORAL)

1 At the outset learned counsel for the respondents No.1 to 3
has referred to the order dated 18.07.2018 passed by this Court.

2 Mr. R.S.Randhawa, Advocate for the appellant submits that
he has instructions to say that appellant-plaintiff is ready to pay *ad-
valorem Court fee* if the time is extended.

3 The plaintiff filed suit challenging the sale deed executed by
defendant No.3. Along with declaration to the effect that the sale deed is
bad and the suit property is a HUF property, plaintiff also sought relief
of possession.

4 On the application filed by defendant under Order VII Rule
11 CPC the Trial Court found that the plaintiff was liable to affix *ad-*



valorem Court fee as per the value of the suit property. Plaintiff having failed to make deficiency good, the plaint was ordered to be rejected.

5 The order was maintained by the Lower Appellate Court. Appeal filed by the plaintiff stands dismissed.

6 On 18.07.2018 this Court passed the following order :-

“Learned counsel for the appellant prays for time to seek instructions whether the plaintiff is interested in affixing Court fee on the relief of possession sought in the suit.

Adjourned to 24.07.2018.

To be listed in the urgent list.”

7 In view of prayer made by counsel for the appellant, plaintiff is permitted to make deficiency in Court fee good on or before 30.07.2025 exercising powers under Section 149 CPC read with Section 12 of the Court Fees Act, 1870.

8 With the afore-said concession granted to the plaintiff, present appeal is disposed off.

9 In case the plaintiff makes up the deficiency in the Court fee good by moving an appropriate application before the Trial Court, the suit shall be restored to its original number and tried in accordance with law.

**(PANKAJ JAIN)
JUDGE**

15.05.2025

<i>Pooja sharma-I</i>	Whether speaking/reasoned	Yes
	Whether Reportable :	No