

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

**CR 2085 of 2013
Date of Decision : March 26, 2013**

Ravinder Kumar and another

....Petitioners

Versus

Ramesh Kumar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. S.S.Katnoria, Advocate
for the petitioners.

T.P.S. MANN, J.(Oral)

Order dated 21.2.2013 passed by the Additional District Judge, Chandigarh while dismissing the appeal preferred by the petitioners and Rita-respondent No.5 on account of non-furnishing of the requisite Court fee, stands challenged in the present revision filed under Article 227 of the Constitution of India.

Aggrieved of the judgment and decree dated 2.1.2013 passed by the Civil Judge (Junior Division), Chandigarh, the petitioners and Smt. Rita filed the first appeal under Section 96 of the Code of Civil Procedure. Alongwith the same, an application under Section 149 IPC was filed seeking 15 days' time for making good the deficiency in Court fee. The said application was disposed of on 8.2.2013 by granting time to them till 21.2.2013 for making good the deficiency in Court fee. As the petitioners and Smt. Rita did not

furnish the requisite Court fee despite the time having been granted for the said purpose, the first appellate Court dismissed the appeal.

Counsel for the petitioners has submitted that the petitioners and Smt. Rita are poor persons and despite best efforts they could not arrange the finances for paying the Court fee. Now they have been able to collect necessary amount and are in a position to affix the remaining Court fee. In case one more opportunity is granted to them, they shall do the needful.

Without commenting on the stand taken by the counsel for the petitioners but keeping in view the interest of justice, this Court is of the considered view that one more opportunity is required to be granted to them and Smt. Rita to make good the deficiency in Court fee.

Resultantly, the impugned order dated 21.2.2013 passed by the Additional District Judge, Chandigarh dismissing the appeal preferred by the petitioners and Smt. Rita is set-aside and they are granted time upto 3.4.2013 for making good the deficiency in Court fee. This order shall, however, be subject to costs of Rs. 3,000/- to be deposited with the District Legal Services Authority, Chandigarh.

March 26, 2013
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(T.P.S. MANN)
JUDGE