

Sudarshan Vs. Panchram and ors.

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SooperKanoon Citation : sooperkanoon.com/496052

Court : Chhattisgarh

Decided On : Apr-08-2002

Reported in : 2002(2)MPHT51(CG)

Judge : K.H.N. Kuranga, C.J.

Acts : [Court Fees Act, 1870](#) - Sections 35

Appeal No. : Civil Revision No. 754/2002

Appellant : Sudarshan

Respondent : Panchram and ors.

Advocate for Def. : F.S. Khare and; Pankaj Jaiswal, Advs. and; Deep Kesharwa

Advocate for Pet/Ap. : Ashok Das Vaishnav, Adv.

Disposition : Revision allowed

Judgement :

ORDER

K.H.N. Kuranga, C.J.

1. Heard.

2. The applicant filed Civil Suit No. 5-A/2001 against the non-applicants for declaration, partition and possession of the suit property. The applicant claimed remission of the Court fee of Rs. 18,320/- under Section 35 of the Court Fees Act. The Court below rejected his request on 5-9-2001 and directed him to pay the Court Fee of Rs. 18,320/- by 24-9-2001. Since he could not pay the Court Fee within the aforesaid period, he requested the Court to grant 15 days time to deposit the Court Fee, but the Court below refused to grant 15 days time requested for and dismissed the suit on 24-9-2001. It is this order of the Court below that is challenged by the applicant/plaintiff in this petition. The Court below after directing the applicant to pay the Court fee ought to have granted 15 days' time to pay the Court fee as requested by the counsel for the applicant and ought not to have dismissed the suit.

3. In the circumstances, I am of the opinion that the order dated 24-9-2001 passed by the Court below dismissing the suit filed by the applicant cannot be sustained. Accordingly, the petition is allowed.

4. The order dated 24-9-2001 passed by the Court below dismissing the suit filed by the applicant is set aside. The applicant is granted one month's time from today to pay the Court Fee before the Court below.

5. With this direction, the civil revision stands disposed of.