
(1998) 08 P&H CK 0044

In the Punjab And Haryana At Chandigarh

Case No : Letter Patent Appeal No. 665 of 1985

Bishno

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 21-08-1998

Acts Referred:

Citation : (1999) 1 LLR 465 : (1999) 2 PLJ 502 : (1999) 1 RCR(Civil) 113

Hon'ble Judges : Iqbal Singh, J

Advocate : For the Appellants: Mr.Sarjit Singh, Sr.Adv. with Mr.Arun Abrol, Advocate, None., Advocates for appearing Parties

Judgement

Iqbal Singh, J.

1. This is an application under Section 148 of the Code of Civil Procedure by the applicants/appellants praying for extension of time for deposit of Court fee.

2. L.P.A. No. 665 of 1985 was decided on 31.10.1996. Along with the said L.P.A. Civil Miscellaneous Application No. 550 of 1996 filed by the applicants/appellants was allowed and they were given four weeks time to make up the deficiency in the Court fee. It has been stated in the present application that the applicants applied for certified copy of the order on 1.11.1996 but the same was not supplied to them till the time they filed the present application i.e. 11.12.1996 and that without knowing the order passed in LPA No. 665 of 1985 on 31.10.1996, they were in doubt about the basis for calculating the Court fee. It has been further stated that according to the decision in L.P.A. No. 428 of 1985 rendered on 12.12.1991, the compensation was liable to be calculated at the rate of Rs. 16/ per sq. yard. By the time the file was inspected and the order dated 31.10.1996 passed in L.P.A. No. 665 of 1985 was noted by the applicants, the period of four weeks allowed to make up the deficiency in the Court fee vide order dated 31.10.1996 passed in Civil Miscellaneous Application No. 550 of 1996 had expired. Accordingly, the applicants/appellants have prayed that they may be granted two weeks further time to deposit the additional Court fee.

3. Notice of this application was given to the opposite side.

4. On 17.4.1998, on the request of counsel for the respondents, another adjournment for filing reply to the application was granted although three adjournments had already been allowed to the respondents for the purpose. The said adjournment was granted subject to payment of costs of Rs. 500/ and the case was adjourned to 1.5.1998. On 1.5.1998 again no reply was filed by the respondents and the case was adjourned to 22.5.1998 for filing reply subject to further costs of Rs. 500/. On 22.5.1998 none appeared on behalf of the respondents and neither the costs were paid nor the reply was filed on behalf of the respondents. On 22.5.1998, the case was adjourned to 10.7.1998 and then to 31.7.1998 for arguments. On 31.7.1998 the Court did not function and the case was taken upon 7.8.1998, on which date also none appeared on behalf of the respondents.

5. I have heard Mr. Sarjit Singh, Senior Advocate, and have gone through the records of the case.

6. This application is supported by an affidavit. In view of the grounds made in the application, stated above, I am satisfied that it is a fit case where prayer of the applicants for grant of two weeks" time to deposit the additional Court fee be allowed. I order accordingly. The amount of additional Court fee be deposited within a period of two weeks from the date of this order.

7. A copy of this order be given Dasti on payment of prescribed fee.

Civil Miscellaneous Application No. 2069 of 1996.

8. This application was not pressed by the learned counsel for the applicantsappellants and it is disposed of as such.

Application allowed.