



**ORDER BELOW APPLICATION EXH. 168**

This is an application filed by plaintiff under section 114 of CPC for review of order below Exh.165. Plaintiff in short submitted that defendants have made encroachment breaching the order of Court, so, plaintiff is not required to pay Court fee for recovery of possession. It may be that while passing order, Court has not considered order below Exh. 5. Therefore application may kindly be allowed.

2. Defendants have filed say at Exh. 172 and in short stated that application is false and bogus. Suit is illegal. Application is also illegal. Plaintiff has not paid Court fee as per order of Court. Therefore suit may be dismissed.

3. Heard both sides. It is to be noted that this is suit for permanent and mandatory injunction and for recovery of possession of suit property. Record shows that Court has passed order below Exh. 165 and observed therein that as per provisions of law, plaintiff is required to deposit deficit Court fee. It is to be noted that here defendants have relied on Union of India & Ors. Vs. Col. Ivan Singh, 2023 (1) ALL MR 313 and Sardar Gurpreetsingh Gurunamsingh Pander Vs. Sangeeta Bhagchand Bhavle & Ors., 2022 (1) ALL MR 532. From record, it appears that plaintiff is required to pay Court as per order below Exh. 165. It is to be noted that there is also one issue framed regarding Court fee below Exh.

144. From record, it appears that plaintiff has failed to show as to how order below Exh. 165 is wrong and as to how, he is not required to pay Court fee as per provisions of law. Therefore at this stage, considering all circumstances of the case, provisions of law and also in the interest of justice, it appears that application has no substance and deserves to be rejected. Hence application is rejected. Application is disposed of accordingly.

**Date : 08.04.2024**

**(Shri. A.M.Husain)**  
Jt. Civil Judge, S.D.  
**N e w a s a**