

**HIGH COURT OF CHHATTISGARH AT BILASPUR****SA No. 781 of 2017****RAJESH MITTAL & OTHERS *VERSUS* POONAM CHOUBEY & OTHERS****Order Sheet**

12/12/2025	Mr. Parth Kumar Jha, learned counsel for the appellants. Mr. Rajeev Bharat, learned Govt. Advocate, appearing for the Respondent/State. Heard on I. A. No. 03/2025, which is an application for overruling the default of court fee. Learned counsel appearing for the appellants would submit that the suit of the plaintiff was for declaration of title and permanent injunction and before the learned trial Court only Rs. 130/- has been paid as Court fees and the same court fees has been paid by the appellants before the first appellate Court, however, due to typographical mistake in the decree of the first appellate Court the court fees shown that as Rs. 17,800/- and on that basis there is a default raised by the Registry of this Court with respect to the deficit court fee, however, the actual court fees required in the present second appeal is Rs. 130/-, therefore, the default raised by the Registry may be dropped.
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Alok	I have perused the record of the trial Court as well as first appellate Court, it transpires that before the learned trial Court the plaintiff has valued his suit for Rs. 1300/- and paid the court fees of Rs. 130/- the suit filed by the plaintiff was dismissed by the learned trial Court and the said judgment and decree of the trial Court was challenged in the first appeal before the learned first appellate Court. The first appeal was allowed and the judgment and decree passed by learned trial Court is set aside which is by the defendant in the present appeal. Since the plaintiff herself has valued the suit as Rs. 1300/- in which Rs. 130/- has been paid as the court fees and the same was challenged before the first appellate Court, the same court fees was paid before the first appellate Court also. From perusal of the record of the first appellate Court, it transpires that the court fees of Rs. 150/- has been paid in the appeal memo and not Rs. 17,800/- as shown in the decree passed by learned first appellate Court. In view of the above, the default pointed by the Registry of this Court is dropped. Accordingly, I.A. No. 03/2025, is disposed of. Consequently, I.A. No. 02/2025 and I.A. No. 04/2025 are also disposed of. List this case after two weeks. Sd/- (Ravindra Kumar Agrawal) Judge
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