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SLP(C)No.16248/1999  
ITEM No.201

Court No. 7

SECTION IVB  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.16248/1999  
(From the final order dated 1.3.1999 in C.M. No.530-CI-1999 in RFA  
No.2617 of 1997 of the High Court of Punjab & Haryana at Chandigarh)

CHANDGI RAM(DEAD)THROUGH LRS. & ORS. Petitioner (s)

VERSUS

STATE OF HARYANA & ANR Respondent (s)

( For Final Disposal )

Date : 19/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr.Amita Gupta, adv.  
Ms. Shashi Kiran, Adv.  
Mr. M.P. Shorawala, Adv.

For Respondent (s) Mr. Mahabir Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....J  
.SP2

Leave granted.  
Appeal is allowed in terms of the signed order.

.SP1

(Meenu Sethi)  
Court Master

( R.K. Kumar)  
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 789 OF 2001@@  
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(arising out SLP(C) No. 16248 of 1999)

Chandagi Ram(died Lrs) & Ors. .. Appellants

Vs.

State of Haryana & Anr. .. Respondents

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Leave granted.

In the appeal preferred by the appellants while Court fee of Rs. 10,786/- had to be paid a lesser amount of Court fee had been paid with balance of Rs. 10,528/-, still to be paid. An application was made to the High Court to extend the time for paying the Court fee but came to be rejected and the deficit Court fee that had been deposited in the sum of Rs.10,528/- was ordered to be returned. The High Court restricted the claim only to Court Fee of Rs.258/- which had been paid initially with the Memo of Appeal. The Special leave petition filed against the order was rejected by this Court.

Thereafter, the said application was numbered as Civil Misc. No. 4510-C1 of 1997 on 17.3.1998 the High Court

dismissed the same also on the ground that the same is misconceived.

What is to be seen in a matter of this nature is that when deficient Court fee had been paid and it is notified to the parties concerned to pay the same in the time fixed or to pay the same within the time as may be extended by the Court under Section 149 of the Civil Procedure Code. It is not clear whether that procedure was followed in this case or not. In the circumstances it is appropriate to set aside the order made by the High Court and direct that on payment of Court fee of Rs.10,528/- on or before 10.2.2001 the High Court shall entertain and dispose of the appeal in accordance with law. If such Court fee is not paid alongwith the memorandum of appeal that has been filed within the time stipulated by us, the order made by the High court shall stand. The appeal is allowed accordingly.

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( S. RAJENDRA BABU )@@  
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(K.G. BALAKRISHNAN)@@  
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New Delhi,@@

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January 19, 2001.