

Prem Narain

Vs

Vishnu Exchange Charitable Trust and Others

Civil Appeal No. 3673 of 1984

(D. A. Desai, R. S. Pathak, Sabyasachi Mukharji JJ)

31.08.1984

ORDER

1. Special leave granted.
2. This is a matter in which the conduct of the respondents calls for severe condemnation for the reason that on a question of paltry deficit in payment of court fees instead of inviting decision on issues involved in the dispute by adjudication on merits, the matter has been brought to this Court which from our point of view is a criminal waste of this Court's valuable time and for which the respondents are solely responsible. The appellant filed a suit. He was directed to pay deficit court fees to the tune of Rs. 1904. The appellant asked for time to pay the deficit court fees. The respondents contested this request. The learned Judge by his order dated October 23, 1981 rejected this very reasonable request and also rejected the prayer for extension of time for depositing the deficit court fees. The appellant carried the matter by way of Civil Revision Petition 224 of 1982 to the High Court of Delhi. The learned Judge found it difficult to interfere with the order in exercise of the revisional jurisdiction. Hence this appeal by special leave.
3. We are satisfied that the approach of the learned trial Judge was incorrect and we also find it difficult to appreciate how the High Court declined to interfere with the very reasonable request of the appellant. We accordingly allow this appeal and grant four weeks' time to the appellant to pay the deficit court fees.
4. As the respondents contested a very reasonable request of the appellant, they seem to be revelling in litigation and therefore they should be made liable to pay the costs. Respondent 1 shall pay Rs. 500 to the appellant as costs within four weeks from today.
5. The appeal is disposed of accordingly.

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