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**(2018) 08 CHH CK 0224**  
**Chhattisgarh High Court**  
**Case No:** MA No. 68 Of 2018

Ashok Kumar Sharma And Ors

APPELLANT

Vs

Mithila Chauhan And Ors

RESPONDENT

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**Date of Decision:** Aug. 21, 2018

**Hon'ble Judges:** Goutam Bhaduri, J

**Bench:** Single Bench

**Advocate:** Ankit Singhal

**Final Decision:** Dismissed

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**Judgement**

Goutam Bhaduri, J

1. The instant appeal is against the order dated 13.07.2018, whereby the learned appellate Court has remanded the case of the plaintiff, who was

appellant before it and allowed for payment of the deficit court fee and granted further period of 15 days to deposit the same.

2. Learned counsel for the appellants submits that earlier also from October, 2016 till January, 2017 several opportunities were granted to the plaintiff

to pay the deficit court fee and eventually it was not paid and it was dismissed on 03.01.2017, having been taken up in appeal, the appellate Court has passed the impugned order.

3. Perused the order of the appellate Court. The Court has directed for payment of deficit court fee and granted further period of 15 days. In any

case, as has been submitted before this Court that the deficit court fee as already been deposited, however, even after the period of 15 days. After

going through the records and the documents connected with this memo of appeal, I do not find any reason to interfere with the order dated

13.07.2018 and since the deficit court fee has already been paid, it is always merit which normally has to be given preference for just decision of the case subject to just exception and the technicality should not supersede the merits.

4. Accordingly, the appeal is dismissed.