

In the High Court of Punjab and Haryana at Chandigarh.

**C R No. 2051 of 2013 (O&M)
Decided on 02.02.2015**

Sudarshan Kumar

--Petitioner

Vs.

Sarwan Singh and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Whether Reporters of Local Newspapers may be allowed to see the judgment ?

To be referred to Reporters or not ?

Whether judgment should be reported in the Digest ?

Present: Mr. Sandeep Arora, Advocate, for the petitioner

Mr.J.K.Khetarpal, Advocate, for respondent Nos. 2 & 3.

Rakesh Kumar Jain,J: (Oral)

This revision is directed against the order dated 19.1.2013 by which the plaintiff has been asked to pay the Court-fee on the value of ₹63,00,000/- which is sought to be recovered as damages.

Learned counsel for the petitioner has argued that he is not in a position to pay the advalorem Court fee on the amount of ₹63,00,000/- therefore, he would restrict his claim to ₹20,00,000/- only on which he is ready to pay the Court fee.

Learned counsel for the respondents has opposed the arguments raised by the learned counsel for the petitioner and has submitted that it

would change the nature of the suit. It is rather submitted that the petitioner should first amend the plaint, allowing him to file the amended written statement and only then the order could be passed.

After hearing the learned counsel for the parties and examining the record, I am of the considered opinion that the petitioner has filed a suit for damages in which he has shown the loss suffered by him towards income from business/service, lawyer's fee, mental and physical sufferings. The petitioner is now restricting his claim to the tune of ₹20,00,000/- and is ready to pay the advalorem Court fee on that amount, meaning thereby, if the trial Court comes to the conclusion that the petitioner is entitled to more than ₹20,00,000/-, it would not award the decree in his favour beyond that amount.

In view of the aforesaid, the order of the Court below is modified and the petitioner is held entitled to pay the advalorem Court fee on the restricted claim of ₹20,00,000/- only.

Disposed of accordingly.

02.02.2015
rr

(Rakesh Kumar Jain)
Judge