

**255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.2658 of 2015
Date of Decision: August 11, 2015**

Urmila and others

.... Petitioners

vs.

M/s Krishna Trading Company and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Shaym Singh Chhokar, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Respondent Nos.1 and 2 served but not present. Thus, they are proceeded against ex parte.

Impugned in the present revision petition is the order dated 26.03.2015 (Annexure P-4) passed by learned Civil Judge (Jr. Divn.), Kurukshetra, whereby the application of the petitioner/defendant under Order VII, Rule 11 CPC was dismissed.

Brief controversy is that the plaintiff had filed a suit for recovery of ₹1,39,00/- along with interest of ₹50,364/- @ 12% per annum as calculated up to 27.3.2014 along with pendente lite and future interest @ 12% per annum till realization. However, the plaintiff had affixed the court fee on the principal amount only. The defendant had filed the present application, which was declined on the ground that the interest has been claimed @ 12% per annum but the court

has not decided the same. Therefore, he cannot be ordered to pay court fee at the initial stage.

After hearing learned counsel for the petitioner and going through the case file, I am of the view that the impugned order is not sustainable in the eyes of law. When the plaintiff had claimed a specific amount, he is required to pay the fee only on the amount claimed by him.

The fact whether the claim will be allowed or not is irrelevant for affixation of the court fee.

Hence, impugned order is set aside and the lower court is directed to grant time to the plaintiff to make up the deficiency of the court fee and if the court fee is not made good, the court shall pass an appropriate order in accordance with law.

The present revision petition is allowed accordingly.

August 11, 2015
sarita

(KULDIP SINGH)
JUDGE