

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 2846 of 2015

Date of Decision: 29.04.2015

State Bank of India

.....Petitioner

Vs.

Surinder Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sunny K. Singla, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 16.04.2015, whereby petitioner has been directed to affix the necessary Court fee.

I have heard learned counsel for the petitioner and have gone through the record, available on the file carefully.

Petitioner has filed suit for recovery of ₹4,58,378/-.

Impugned order reads as under:-

“Suit received by entrustment. Office report seen. As per the report of reader, the suit is not properly stamped. Argument on the deficiency of Court fee have been heard. Learned counsel for the plaintiff stated that as per Schedule II of 2015, as per Clause No. 19, only Court fee of ₹200/- is chargeable on the recovery suits filed by the Banks as per new instructions for Court fee. The perusal of the Clause 19 shows that where any suit for recovery of money has been filed by the Banks under the banking Regulation

Act, 1949, then the fee of ₹200/- is liable to be affixed on the amount which is exceeding ₹10,000/-. But the present suit has been filed by the plaintiff bank under Order 34, CPC, as a suit for mortgage for recovery of ₹3,69,243/-. Meaning thereby, the present suit is not filed under the Banking Regulation Act, 1949 as stipulated Clause 19 of Schedule II of 2015 Court fee notification. Therefore, this Court is of the opinion that the above said Clause 19 as is not applicable in the present case. Accordingly, now to come up on 30.04.2015 for making the Court fee good. Let, the suit be registered as civil miscellaneous application till the deficiency made good.”

The reasons given by the trial Court while directing the petitioner to affix the necessary Court fee are sound reasons.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

April 29, 2015
nitin