

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

(209)

CR No.4332 of 2012 (O&M)

Decided on: May 15, 2015.

Parveen Kumar

.... Petitioner

Versus

Ravita Mittal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.S. Matya, Advocate, for
Mr. S.S. Dinarpur, Advocate,
for the petitioner.

Mr. Sanjay Jain, Advocate,
for respondent No.1.

M.M.S. BEDI, J (ORAL)

This is a revision petition under Article 227 of the Constitution of India against the order dated 02.06.2012, dismissing the application filed by the petitioner under Order 7 Rule 11 CPC objecting to the application filed by respondent No.1 under Section 19 of the Hindu Adoption and Maintenance Act 1956 for granting of maintenance @ Rs.20,000/- per month for herself and for the minor child.

Learned counsel for the petitioner has contended that since respondent No.1 had claimed maintenance from the petitioner, as per Section 7 of the Court Fee Act, the value of the suit will be deemed to be ten times of the amount claimed to be payable for one year. He has argued that a sum of Rs.72,800/- was required to be affixed as Court fee.

I have heard learned counsel for the parties. A short question which is required to be determined would be whether a petition filed under Section 18/20 of the Hindu Adoption and Maintenance Act, 1956 would be treated as a suit, for the purpose of determination of Court fee, under Section 7 of the Court Fee Act. The said question came for consideration before a Division Bench of Rajasthan High Court in **Smt. Mamta and others Vs. Hari Kishan, 2004 (3), Civil Court Cases 267 (Raj.)** and before Jammu and Kashmir High Court in **Ajmer Singh Sindhu Vs. Madhur Sidhu 2009 (3) Civil Court Cases 324 (J&K)** . On analysis of the provisions of maintenance to the wife and children under Section 18 and 20 of the Hindu Adoption and Maintenance Act, 1956 it was held that application under said provisions filed by wife and children or aged parents would not fall in the category of suits as such Court fee as per Section 7 of the Court Fee Act would not be applicable.

Following the said judgment, I am of the considered opinion that the trial Court has not committed any error in dismissing the application under Order 7 Rule 11 CPC.

The revision is dismissed.

(M.M.S. BEDI)
JUDGE

May 15, 2015
harsha