

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2430 of 2014
Date of Decision: April 27th, 2016

Mohinder alias Narender

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers 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?

Present: Mr.Baljit Singh, Advocate for
Mr.Rajesh Bansal, Advocate,
for the petitioner.

Mr.Anil Kumar Yadav, Addl.A.G.Haryana,
for for respondent Nos.1 to 4.

Mr.Parveen Kumar Rohila, Advocate,
for respondent Nos.5 & 6.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the impugned order, whereby on an application filed under Order 7 Rule 11 CPC, he has been called upon to pay ad valorem court fees on the amount of damages claimed in the suit, in essence he has been called upon to pay the court fees on an amount of ₹10.00 lacs, which is tentatively claimed.

Mr.Baljit Singh Advocate for Mr.Rajesh Bansal, learned counsel appearing on behalf of the petitioner-plaintiff submits that as per the averments made in para 10 of the plaint, an undertaking has been given that the court fees shall be made good as per actual loss assessed and

determined by the Court. In view of such undertaking, as and when the Court arrives at a conclusion, on examination of oral and documentary evidence, for the purpose of determining the compensation, the court fees on the amount to be determined, shall be paid. In support of his submission, relies upon the judgment rendered in **Civil Revision No.5662 of 2014 (Manpreet Singh Versus Gurmail Singh and others)**, decided on 1.4.2016.

Mr.Parveen Kumar Rohila, Learned counsel appearing on behalf of respondent Nos.5 and 6 submits that preceding to filing of the suit, a notice under Section 80 CPC was issued, wherein there was a specific claim to the tune of ₹10.00 lacs. He further submits that the plaintiff, in the cross-examination, to a specific question admitted that he has claimed the damages to the tune of ₹10.00 lacs and, therefore, once the damages are precise and a particular figure, then ad valorem court fees has to be paid and an attempt to circumvent the payment of the ad valorem court fees should not be taken in the lighter way and ignored.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the plea of the learned counsel for the respondents as this Court has already, in **Manpreet Singh's case (supra)**, while relying upon the judgment rendered by this Court in **Subhash Chander Goel Versus Harvind Sagar, 2003 AIR (Punjab) 248**, has held that tentative court fees has to be accepted as the exact value can be ascertained at the final stage when the evidence has been led.

Thus, the impugned order calling upon the plaintiff to pay the ad valorem court fees is not sustainable. The same is accordingly set-aside.

However, it is made clear that the trial Court should not be precluded from calling upon the petitioner, in view of the undertaking given in the plaint, to pay the ad valorem court fees in case he is able to substantiate his averment made in the plaint qua the particular amount of compensation.

Revision petition stands disposed of in the aforementioned terms.

April 27th, 2016
ramesh

(AMIT RAWAL)
JUDGE