

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5133 of 2016 (O&M)
Date of decision:11.08.2016

Gurdeep Kaur

... Petitioner

Vs.

Devinder Singh @ Lakha and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Arvind Kashyap, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the impugned order dated 04.07.2016 (Annexure P-1), whereby, she has been called upon to pay the ad valorem Court fees in the suit for recovery of damages on account of death of Kulwinder Singh.

Mr. Arvind Kashyap, learned counsel appearing on behalf of the petitioner submits that the impugned order is not sustainable in the eyes of law as damages are yet to be quantified. The same would be quantified after leading evidence, i.e., at the final stage. Plaintiff can be called upon to pay the ad valorem Court fees, as per the proof of damages.

I have heard learned counsel for the petitioner and appraised the paper book.

I am in agreement with the submission made by learned counsel for the petitioner and as well as, the ratio decidendi culled out by this Court in **Subhash Chander Goel vs. Harvind Sagar 2003 AIR (Punjab) 248,**

wherein, it has been held that in such type of suit, tentative fees has to be accepted as the exact value can be ascertained at the final stage when the evidence has been led. This Court in various judgments, where similar situation had occurred, called upon the plaintiffs to pay the Court fees at the time of final stage of the suit and not at the initial stage.

In view of what has been observed above, the impugned order dated 04.07.2016 is hereby set aside. It is directed that the trial Court after considering the oral and documentary evidence in case arrives at conclusion that plaintiff is entitled to some damages shall call upon him to pay the ad valorem Court fees on such amount.

Accordingly, the revision petition stands allowed.

(AMIT RAWAL)
JUDGE

August 11, 2016
savita

Wheather speaking/reasoned	Yes/No
Whether Reportable	Yes/No