

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5861 of 2016
Date of decision:07.09.2016

Vinod Sharma and others ... Petitioners

Vs.

Vijay Goel and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. D.K.Mittal, DAG, Haryana
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioners are aggrieved of the impugned order dated 01.07.2016, whereby, an application moved under Order 7 Rule 11 of Code of Civil Procedure (hereinafter referred to as “CPC”), calling upon the plaintiffs to pay the ad valorem Court fees in respect of suit property claiming damages to the tune of ₹1 crore, has been dismissed.

Mr. D.K.Mittal, learned Deputy Advocate General, Haryana appearing on behalf of the petitioners submits that on going through the contents of the suit, there is no averment qua undertaking to pay the Court fees. Plaintiff undertakes to pay the Court fees on whatever the amount Court arrives at after examining the oral and documentary evidence.

I have heard learned counsel for the petitioners and appraised the paper book and of the view that in a suit for damages, plaintiff cannot be called upon to pay the Court fee. It will be paid only when the Court will

arrive at a finding with regard to court fees after examining the oral and documentary evidence for the purpose of damages and decree shall be made available only subject to payment of Court fees but not in the manner and mode as has been adopted. For deciding the application filed under Order 7 Rule 11 CPC, the averments made in the plaint have to be looked into. The aforesaid view of mine is forfeited by the judgments of this Court rendered in **CR No.2785 of 2001 titled as Subhash Goel vs. Harvind Sagar and CR No.6852 of 2015 titled as Matloob and another vs. Vakila and others.**

No ground is made out for interference in the impugned order.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 07, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No