

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1356 of 2017 (O&M)
Date of Order: 12.10.2017

Kulwant Kaur Sidhu and another

..Petitioners

Versus

State Bank of Patiala and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulwant Singh, Advocate,
for the petitioners.

Mr. Rahul Sharma, Advocate, for
Mr. Sumit Narang, Advocate,
for respondent no.1.

Mr. Anand Bir Singh Sidhu, Advocate,
for respondent no.3.

ANIL KSHETARPAL, J (Oral)

Plaintiffs are in revision petition against the order dated 20.01.2017, directing the plaintiffs to affix ad-valorem court fee. It is the case of the plaintiffs that they were having a joint account with defendant no.3 who has wrongfully withdrawn the amount from the joint account and transferred it to her own account.

Plaintiffs rather than filing a suit for recovery of the amount, has filed a suit for mandatory injunction directing defendants no.1 and 3 to transfer the amount in the joint account.

Learned trial Court while adjudicating upon the application under Order 38 Rule 5 CPC, found that in fact, the suit is for recovery of the amount and therefore, directed the plaintiffs to affix ad-valorem court fee.

I have heard counsel for the parties at length and with their able

assistance gone through the documents available in the paper book.

It is not in dispute that the plaintiffs are seeking recovery of the amount from defendant no.3. Once the suit is for recovery, ad-valorem court fee is payable. Merely because the suit has been styled as a suit for mandatory injunction by clever drafting, the plaintiffs cannot save themselves from payment of the court fee.

In these circumstances, I do not find any good ground to interfere with the order passed by the trial Court. The revision petition is dismissed.

Since the revision has been remained pending in this Court, therefore, the plaintiffs are granted one month's time to make good the deficiency in Court fee.

October 12, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No