

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

**CR No.4859 of 2017 (O&M)
Date of Decision: 11.12.2017**

Ritesh Chopra

...Petitioner(s)

Versus

Sahib Singh Cheema

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Puja Chopra, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

The petitioner is aggrieved by the dismissal of the application filed by the petitioner under Order 7 Rule 11 CPC.

A suit was filed seeking damages/compensation for filing a false complaint under the Negotiable Instruments Act. The suit was filed after the dismissal of the complaint. The first appeal and the second appeal before the High Court were also dismissed. The plaintiff claimed damages and had affixed Court fee of Rs.50/-. In one of the paragraphs, he had made an assertion that he had paid Rs.2 lacs to the lawyers as fees.

The defendants instead of filing the written statement, filed an application calling upon the Court to direct the plaintiff to affix the Court fee. The trial Court passed the following order:-

'The present suit has been filed by the plaintiff for seeking damages/compensation to be assessed by the Court on account of filing a false complaint under Section 138 of NIA dismissed on 14.02.2013 by the Court of Ms. Pritma Arora, JMIC, Patiala against the plaintiff and subsequently filing appeal before the Sessions Judge, Patiala and thereafter before the High Court of Punjab and Haryana which was also dismissed on 27.08.2015. The compensation or damages if any have to be determined after evidence lead by both the parties. Moreover, the party can be directed to fulfill the requirement of Court fees at any stage of the trial. It is not in the interest of justice to dismiss the suit at the very threshold of the case without going into the merits of the case. The Courts are always pleased to decide the case on merits. As such, in the interest of justice, present application is hereby disposed of.'

The submission on behalf of the petitioner is that since the plaintiff had claimed Rs.2 lacs, besides some other amount, he should have been directed to pay the *ad valorem* Court fees and relies on '**Ranjit Kaur and others Vs. Punjab State Electricity Board and another, 2007(1) R.C.R.(Civil) 686.**'

A perusal of the plaint would shows the plaintiff had not quantified the amount, he was claiming. Though in one of the paragraphs, he did refer to the fact that he had spent more than Rs.2 lacs on the litigation. The trial Court had rightly observed that it was a matter to be adjudged after the parties led their evidence and after the amount is asserted by the plaintiff and he would be liable to pay the Court fee.

The plaintiff had not claimed any ascertained amount as damages. The trial Court had rightly observed that the damages would be determined after evidence is led. The petition could not be dismissed at the threshold without allowing evidence.

There is no infirmity in the order. The petition is dismissed.

December 11, 2017
ps-l

(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking
Whether Reportable

Yes/No
Yes/No