

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 7620 of 2017 (O&M)
Date of decision:- 06.11.2017

Amrita Dhindsa and anr.

...Petitioner

Versus

Surjit Kumar

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Kapil Khanna, Advocate
for the petitioners.

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 29.08.2017 (Annexure P-3) passed by the learned Civil Judge (Sr. Divn.) NRI Court, Jalandhar, whereby the application under order 7 rule 11 was dismissed.

A bare perusal of the impugned order shows that the application of the petitioners for rejection of plaint has rightly been dismissed by the Court below by relying upon judgments of this Court in ***Manpreet Singh vs. Gurmail Singh and others, 2016(3) PLR 751 and Ajit Singh Kohar vs. Shashi Kant, 2015(1) Law Herald 767*** wherein it has been held that if the suit for damages claiming compensation is filed then the plaintiff cannot be asked to pay the ad valorem Court fee in a suit for damages before the valuation of the court, as valuation put by the plaintiff is only tentative and he has to pay the exact court fee at the final adjudication of the case.

In view of the above factual position, order dated 29.08.2017 (Annexure P-3) passed by the learned Civil Judge (Sr. Divn.) NRI Court,

Jalandhar does not require any interference by this Court.

The petition is dismissed.

November 06, 2017
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>