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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1795-2017 (O&M)
Date of decision : 21.4.2018

Ajay Thaman

..... Petitioner

Versus

Raj Kumar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: - Mr. Lalit Pathak, Advocate for the petitioner.

Mr. Jasraj Singh, Advocate
for respondents No. 1 to 4, 6, 8 to 10, 16 to 21 and 23 to 28.

Ms. Nimarata Kaur, Advocate for
Mr. Sunil Agnihotri, Advocate for respondents No. 5 and 22.

Mr. G.P. Vashisht, Advocate for respondent No. 30.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 13.2.2017 (Annexure P-1), passed by learned Additional Civil Judge (Senior Division), Dasuya, vide which plaintiff-petitioner has been directed to affix the Court fee on the sum of Rs. 10.00 lacs which has been claimed as damages.

Heard.

It comes out that plaintiff-petitioner has filed a suit for damages to the tune of Rs. 10.00 lacs as a tentative amount on account of malicious prosecution. A perusal of the plaint further shows that plaintiff-petitioner has not inserted the clause of valuation of the suit for the purpose of jurisdiction and valuation of the suit for the purpose of Court fee.

Learned counsel for the petitioner relies upon two authorities of this Court delivered in Manpreet Singh versus Gurmail Singh and others, 2016 (4) Civil Court Cases 503 (P&H) and State of Punjab and others versus Jagdip Singh Chowhan, 2005 (1) RCR (Civil) 54. In the said authorities, though the suit was valued for the purpose of jurisdiction at a particular amount but for the purpose of Court fee, it was valued at a lesser amount, stating that it is only a tentative valuation. The said para is missing from the present plaint, copy of which has been produced on file.

Admittedly, in the suit for damages, plaintiff-petitioner is at liberty to value the suit for jurisdiction at a particular amount. However, for the purpose of Court fee, he can value the suit for a lesser amount being the tentative amount and affix the Court fee on the said tentative amount for which the suit is valued for the purpose of Court fee in view of the authorities above.

However, since this is missing in the present case, present petition is disposed of with liberty to the plaintiff-petitioner to amend the plaint and insert the para regarding jurisdiction and valuation and then pay the Court fee on the amount for which the suit has been valued for the purpose of Court fee.

Disposed of.

(KULDIP SINGH)
JUDGE

21.4.2018
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Whether speaking / reasoned
Whether Reportable:

Yes
No