

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 5452-2016 (O&M)

Date of decision: 31.05.2018

Sarabjit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Krishan Sehajpal, Advocate for the petitioner
Mr.M.S.Dhillon, DAG Punjab for respondent nos.1 to 3
Mr.B.S.Bhalla, Advocate for respondent nos.4 to 6

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

From the perusal of the impugned order, it comes out that the plaintiff -petitioner has filed a suit for damages on account of malicious prosecution to the tune of Rs.50 lakhs. He has paid the Court Fee of Rs.500/- only.

The trial Court after going through the case law, held that the plaintiff is liable to pay the ad valorem Court Fee on the amount of actual damages claimed.

I am of the view that in a suit for damages, even though the specific damages are claimed, the plaintiff is always at liberty to affix the tentative value of the suit for the purpose of Court fee and pay the tentative Court Fee subject to the payment of Court Fee on the damages actually allowed by the Court. Therefore, the plaintiff need not to pay the Court fee on the actual

damages claimed.

Learned counsel for respondent nos.4 to 6 states that in view of the authority in R.S.Malik vs. Krishan Mohan, IAS & others, 2010(1) Civil Court Cases 388 (P&H), ad valorem Court Fee should be ordered to be paid.

The contention is not acceptable.

It being so, the impugned order is set aside. The plaintiff is allowed to pay the tentative Court fee subject to the condition that he will have to pay the Court Fee on the actual damages, if allowed to him.

The present petition stands allowed accordingly.

31.05.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No