

241

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6904 of 2016 (O/M)
Date of decision : 22.2.2018

Darshan Singh

..... Petitioner

Versus

Falwinder Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Kulvir Kaur, Advocate, for,
Mr. Pardeep Bajaj, Advocate,
for petitioner.

Mr. Raman Goklaney, Advocate,
for respondent No. 1.

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 ?

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KULDIP SINGH J. (ORAL)

Impugned in present revision is order dated 16.8.2016 (Annexure-P-1), passed by learned Civil Judge (Junior Division), Zira, vide which an application filed under Order VII Rule 11 CPC, 1908, was dismissed.

Heard.

It comes out that plaintiff has filed a suit for recovery of Rs. 7,00,000/- as damages and compensation for malicious prosecution. He has affixed the tentative court fee. Defendants pleaded that court fee on the amount of damages claimed should be affixed.

I am of the view that in a suit for recovery as damages and compensation for malicious prosecution, only tentative court fee is required to be affixed at the time of filing of suit. Thereafter, Court fee is liable to be affixed by plaintiff on the amount decreed by the trial Court.

CR No. 6904 of 2016 (O/M)

In these circumstances, there is no force in present revision and same is dismsised. However, the trial Court is directed to frame the issue on the point of court fee and decide the same alongwith main case.

(KULDIP SINGH)
JUDGE

22.2.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No