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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2019 13:10
I attest to the accuracy and
authenticity of this document

CR-2231-2019 (O/M)
Date of decision : 2.4.2019

Paramjit Singh

..... Petitioner (s)

Versus

Jagdish Rai and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishal Gupta, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Heard.

Petitioner-defendant is aggrieved by order dated 14.11.2018 (Annexure-P-4), passed by learned Civil Judge (Junior Division), Ludhiana, vide which his application filed under Order VII Rule 11 CPC, 1908, was dismissed.

The perusal of file shows that plaintiffs-respondents have filed a suit for recovery of damage on account of loss of reputation, mental agony, pain and suffering on account of registration of a false FIR. The application has been filed by defendant-petitioner stating that suit has not been properly valued, as required under Order VII Rule 1 (i) CPC, 1908, and, therefore, plaint is liable to be rejected.

Before this Court, the learned counsel for defendant-petitioner press that his case is covered under Clause (b) of Order VII Rule 11 CPC. However, said clause shows that plaint is to be rejected only if the relief is undervalued and plaintiffs-respondents, on being required by the Court, to correct the value within the time to be fixed by the Court, fail to do so. In the present case, trial Court has not so far directed plaintiffs-respondents to

make up the deficiency of Court fee. Therefore, said clause is not attracted.

At the most, it is a debatable point before trial Court as to what should be the value of suit. It being so, there is no illegality or infirmity in impugned order.

The learned counsel for defendant-petitioner has further argued that trial Court in para-5 of impugned order has even decided about limitation, which was not in issue.

It being so, it is ordered that limitation shall be decided after framing the issues afresh after giving opportunity of hearing to both parties and allowing them to lead evidence.

Dismissed with abovenoted observations.

(KULDIP SINGH)
JUDGE

2.4.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No