

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3361-2018

Date of decision: 19.11.2019

Mohan Singh and another

...Petitioners

V/s.

Jaswant Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: None for the petitioners.

Mr. Amrik Singh, Advocate for the respondent.

RITU BAHRI, J. (Oral).

The petitioners/defendants have come up in revision against the order dated 13.09.2017 whereby their application under Order 7 Rule 11 CPC seeking rejection of the plaint has been dismissed keeping in view that in a suit for damages, only tentative Court fee has to be fixed.

A perusal of order dated 13.09.2017 shows that the plaintiff has filed a suit for recovery on account of malicious prosecution as the plaintiff had been acquitted by the trial Court and then by the first appellate Court. Thereafter the defendants have filed Criminal Revision Petition No.2617/2016 in the High Court which is still pending and the suit of the plaintiff is without any cause of action and premature.

The plaintiff has been acquitted by the trial Court and the judgment of the trial Court has been upheld by first appellate Court and only deficient Court fee is required to be paid in a suit.

Learned counsel for the respondent, while referring judgments passed by this Court in ***CR-5662-2014 titled Manpreet Singh V/s. Gurmail***

Singh and others, 2016 (3) PLR 751, *CR-2933-2014 titled State of Punjab and others V/s. Jagdeep Singh Chowhan* 2005 (1) RCR (Civil) 54 and *CR-2785-2001 titled Subhash Chander Goel V/s. Harvind Sagar* 2003 AIR (Punjab) 248, contends that in a suit for damages, valuation put by the plaintiff has to be tentative and plaintiff is required to pay the exact Court fee at the time of final adjudication of the case.

In the present case, the trial is at the stage of final arguments. Keeping in view the aforesaid judgments, this revision is being disposed of by observing that the trial Court will proceed with the trial and pass final order on payment of ad valorem Court fee at the time of final hearing.

19.11.2019
Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No