

CR-6701-2017 (O&M)

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

CR-6701-2017 (O&M)

Date of decision : 27.03.2019

Satbir Singh

... Petitioner

Versus

Santosh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. K.S. Dhanora, Advocate
for the petitioner.

Mr. Vivek Khatri, Advocate
for the respondents.

AMIT RAWAL, J. (ORAL)

Petitioner-plaintiff is aggrieved of the impugned order, whereby on an application filed under Order 7 Rule 11 CPC, he has been called upon to pay ad valorem court fees on the amount of damages claimed in the suit, in essence he has been called upon to pay the court fees on an amount of ₹11.00 Lacs, which is tentatively claimed.

Mr. Kulwant Singh Dhanora, learned counsel appearing on behalf of petitioners submits, that impugned order is not sustainable in the eyes of law as damages are yet to be quantified. As per the averments made in the plaint, an undertaking has been given that the court fees shall be made good as per actual loss assessed and determined by the Court. In support of his contentions, reliance has been laid to the ratio decidendi culled out by this Court in **“Subhash Chander Goel Versus Harvind Sagar”, 2003 AIR (Punjab) 248,**

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Mr. Vivek Khatri, learned counsel appearing on behalf of respondents-defendants submits that there is no illegality and perversity in the impugned order.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Dhanora, for, the suit cannot proceed inch further as in view of the *ratio decidendi* culled out by the Division Bench of this Court in **“M.S. Chemical Industries Ltd. V/s Hindustan Commercial Bank Ltd.”** **AIR 1956 (P&H) 214** as well as judgment of the Single Bench of this Court rendered in **“Ranjit Kaur and others V/s Punjab State Electricity Board and another” 2007 (1) RCR (Civil) 686**, the court fees on the amount specified, is required to be paid. I do not find any illegality and perversity in the impugned order, under challenge, much less, no ground is made out for interference.

However, I deem it appropriate to grant two months' time for the petitioner to file the appropriate application for amendment of the plaint and affix the court fees, failing which, the plaint deems to be rejected.

With the aforesaid observations, the present revision petition stands disposed of.

27.03.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**