

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 8267 of 2017(O&M)

Date of decision:30.04.2019

Surinder Saini

... Petitioner

Vs.

Kapil Kumar Mehta and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. J.P. Rana, Advocate for
Mr. Vivek Sethi, Advocate for the petitioner.

Mr. Sudhir Pruthi, Advocate for respondent No.1.

Ms. Ambika Bedi, AAG, Punjab.

AMIT RAWAL J. (Oral)

The present revision petition at the instance of plaintiff is directed against the impugned order dated 21.08.2017 (Annexure P-4) whereby application filed under Order 7 Rule 11 read with Section 151 CPC for rejection of plaint on account of non-payment of requisite court fees has been allowed.

Mr. J.P. Rana, learned counsel appearing on behalf of the petitioner has relied upon the ratio decidendi culled out by this Court in **“Subhash Chander Goel Versus Harvind Sagar”, 2003 AIR (Punjab) 248.**

He further submits that even no opportunity has been given to make good the deficiency in court fee

Learned counsel for respondent no.1, on the other hand, submitted that the Division Bench of this Court in **“M.S. Chemical Industries Ltd. V/s Hindustan Commercial Bank Ltd.” AIR 1956 (P&H) 214** while deciding the issue under the provision of Section 7 of the Court-fees Act held that the court fee is to be affixed on the exact amount of damages.

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 learned counsel for the petitioner, 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.'s case (supra)** 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 one month's time for the petitioner to file the appropriate application and affix the court fees, failing which, the plaint deems to be rejected.

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

(AMIT RAWAL)
JUDGE

April 30, 2019
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Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No