

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

C.R. No. 987 of 2019

DATE OF DECISION :- March 18, 2019

Punjab National Bank and others

...Petitioners

Versus

Raj Kumar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Arvind Rajotia, Advocate for the petitioners.

In a suit for damages filed by plaintiff Raj Kumar Singh, defendants Punjab National Bank and others put in appearance and moved an application under Order 7 Rule 11 CPC for rejection of the plaint for the reason that ad-valorem Court fee had not been affixed on the plaint firstly and secondly that the suit was time barred. The application was contested by the plaintiff vide impugned order dated 13.12.2018. The trial Court rejected the application observing that the provisions of evaluation of suit for recovery and liquidate claims will not apply for the purpose of Court fee in a suit for damages wherein the amount is yet to be ascertained and the Court fee can be recovered at the stage of pronouncement of judgment if the suit is decreed depending upon the amount of damages granted. Judgments in that regard have been relied upon. With respect to the second ground of suit being not even within period of limitation, the trial court has observed that

since it is a mixed question of fact and law, this point can be determined only after allowing the parties to adduce their respective evidence. The order is well reasoned, based upon proper appraisal of evidence and correct interpretation of law. There is no illegality or infirmity which might have called for interference by this Court while exercising revisional jurisdiction. Therefore, the petition is without any merit and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

March 18, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No