

CR-4175-2017 (O&M)

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

CR-4175-2017 (O&M)

Date of decision : 04.04.2019

Mainpal Singh @ Nempal Singh

... Petitioner

Versus

Rajballa Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mukesh Yadav, Advocate
for the petitioner.

None for the respondent.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order, whereby the application of the defendants for affixing the court fees on the averments made in para No.6 qua payment of the court fee, on the alleged damages to the tune of ₹20 Lacs, has been allowed and the petitioner has been ordered to specify the amount by affixing the courts fee.

It would be apt to reproduce the relevant portion of the impugned order, which reads as under:-

"Perusal of the plaint reveals that plaintiff has filed the present suit for damages of un-liquidated amount i.e. no certain sum of money has been claimed by the plaintiff. Unless and until, sum is ascertained by the plaintiff, no specific valuation of the court fees can be done by the court, hence the plaintiff is hereby directed to liquidate the sum of amount sought to be recovered as damages by the defendant and then to make ad valorem court fee on the ascertained sum of amount."

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Keeping in view the aforesaid facts, I am of the view that the suit without determination/liquidation of the amount, 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, though the impugned order, does not grant any time, I deem it appropriate to grant one month's 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.

04.04.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**