

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

Sr. No.118

CR-1546-2021 (O&M)
Date of decision : 20.09.2021

Pranav Mittal

..... Petitioner

VERSUS

M/s S.J. Wire Industries and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Palak Mittal, Advocate for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is proforma defendant in the civil suit. He has filed a counter-claim alongwith written statement claiming recovery of amount of Rs.42,85,082.28 towards its capital and profit share as well as towards share of the goodwill as settled amongst the partners. He has also asked for interest upon the said amount @ 18% per annum.

The plaintiff-respondent No.1 filed an application under Order 7 Rule 11 CPC for rejection of the counter-claim on the ground that ad valorem Court fees has not been affixed. The application has been disposed of by the trial Court by directing the proforma defendant-petitioner to affix ad valorem Court fees as per the relief claimed.

Learned counsel for the petitioner has submitted that the quantum of relief sought in the counter-claim is not definite and thus, the order should be modified. The petitioner should be permitted to affix ad valorem Court fee after the decision of the suit.

The submission cannot be accepted, because the sum claimed has been quantified at Rs.42,85,082.28. On this amount, ad valorem Court fee has to be affixed. No error has been committed by the trial Court.

RAMANDEEP SINGH
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I attest to the accuracy and
integrity of this document

For the aforementioned reasons, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

20.09.2021
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No