

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

CR-2074-2021 (O&M)

Date of decision: 01.10.2021

Harminder Singh

...Petitioner

Versus

Vatandeep Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amandeep Singh Jawandha, Advocate,
for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India is for setting aside the order dated 19.07.2021 (Annexure P-3) passed by the learned Civil Judge (Senior Division), Barnala directing the petitioner to pay *ad valorem* Court fee on the amount of Rs.50 Lakh claimed by him as damages.

2. I have heard learned counsel for the petitioner and gone through the case file.

3. No interference is called for in the order dated 19.07.2021 passed by the Learned Civil Judge, Senior Division, Barnala impugned herein, which is premised on the following reasoning:

“In view of said provision of the Court Fees Act, 1870 the plaintiff is required to pay Ad-valorem Court fee accordingly to the specifically claimed amount of Rs.50 lac. For this view of mine, I support by case titled as “Manjit Singh VS. Beant Sharma, 2012 (44) RCR (Civil) 118, it was held by Hon’ble High Court:-

“11. A bare perusal of the aforesaid provision reveals that suit for accounts falls in category different from suit for damages or compensation. In the judgment of Hem Raj (supra), suit for damages was held to be akin to suit for accounts and the same judgment was followed in the subsequent judgments of SubhashChanderGoel (supra) and State of Punjab and others (supra). However, under the above provisions of the Court Fees

Act, suit for damages falls under Section 7 (i) whereas suit for account falls under section 7 (iv) (f). In case of suit for damages falling under Section 7(i) of the Court Fees Act, the amount of Court fee has to be paid according to the amount claimed whereas in suit for accounts falling under Section 7 (iv) (f). Court fee has to be paid according to the amount at which the suit is valued by the plaintiff and the plaintiff has to state the same. In the instant case, the plaintiff has claimed specific amount of Rs.2,00,000/- as compensation/damages. This is a money suit for recovery of Rs.2,00,000/- and therefore, in view of unambiguous and categorical provision of section 7(i) of the Court Fees Act, the plaintiff has to pay ad valorem court fee on the aforesaid amount. This view finds support from judgment in the case of Ranjit Kaur (supra). (emphasis supplied)

*Further I also rely upon the case titled as **Ranjit Kaur Vs. Punjab State Electricity Board and another, 2007 (1) RCR (civil) 686** and another case “**Jai BhagwanGoel Vs. Harjeet Kaur and others, 2020 (1) RCR civil, 936.**”*

Accordingly, in view of law settled by Hon’ble High court, I find merit in the application moved by the defendant that the plaintiff is liable to pay ad valorem court fee on the specific amount of Rs.50 lac claimed by him. Accordingly application moved by defendant stands allowed and plaintiff is directed to pay ad valorem court fee on amount of Rs.50 lac claimed by him as damages on next date of hearing i.e. 05.08.2021.”

4. There is no room for interference in the aforesaid valid reasons recorded by the trial Court.

5. No material irregularity in law or procedure has been committed by the Court below in the pending trial, so as to exercise extraordinary revisional jurisdiction herein.

6. Dismissed.

01.10.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No