

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

CR-2673-2021(O&M)

Date of decision:-09.11.2021

Satish Kalra

...Petitioner

Versus

Deepak Dua and others

...Respondents

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

Present: Mr.N.K. Malhotra, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

Case taken up through video conferencing.

1. This revision petition is directed against order dated 7.10.2021 passed by Civil Judge (Jr.Divn.), Rohtak vide which an application under Order VII Rule 11 CPC filed by defendants Deepak Dua and others in civil suit brought by plaintiff Satish Kalra against them, had been partly allowed directing the plaintiff to affix *ad valorem* Court fee on the amount of Rs.5,42,000/- claimed as damages within one month.

2. Plaintiff Satish Kalra is feeling aggrieved by such direction issued to him by the trial Court.

3. I have heard learned counsel for the revisionist/plaintiff besides going through the record and judgments i.e. **Manpreet Singh**

Versus Gurmail Singh and others, Vol.CLXXXIII-(2016-3) The Punjab Law Reporter 751 and **Kashmir Singh Versus Mandeep Kaur and others**

passed by a Co-ordinate Bench of this Court in Civil Revision No.6759 of 2018, decided on 5.10.2018 and I find that the revision petition does not have any merit and is doomed for failure.

4. The plaintiff had filed a suit for declaration and damages against the defendants contending that the construction raised by defendants over their property in the year 2011-12 had resulted in accumulation of water damaging the foundations of the house of plaintiff in the year 2017; the plaintiff had claimed damages of Rs.5,42,000/-, however he had not filed the *ad valorem* Court fee on that amount. On objection being raised in that regard by the defendant in an application moved by them seeking rejection of the plaint, the trial Court found merit in the objection that the plaintiff was required to pay *ad valorem* Court fee and not fixed Court fee. Therefore, a direction was issued to the plaintiff to do so affording him time of one month for that purpose. Such order has left the plaintiff aggrieved.

5. I find that the impugned order passed by the trial Court is detailed and well reasoned, which does not suffer from any illegality or infirmity and no interference therewith is called for while exercising jurisdiction under Article 227 of the Constitution of India.

6. As regards the authorities referred to by learned counsel for the revisionist/plaintiff, those do not find application to the present case due to different facts and circumstances and the context in which such observations have been made.

7. Thus, finding no merit in the civil revision petition, the same stands dismissed.

09.11.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No