

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

CR-2684-2021 (O&M)

Date of decision: 06.12.2021

Girnar Infotech Ltd.

...Petitioner

Versus

Vikash Thakur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Wadhawan, Advocate,
for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein, is for setting aside the order dated 08.09.2021 (Annexure P-2) passed by Additional District Judge, Ludhiana directing the petitioner to pay *ad valorem* Court fee on the amount of Rs.53,45,000/- 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 08.09.2021 passed by the Additional District Judge, Ludhiana, impugned herein, which is premised on the following reasoning:

*“Taking into account his submissions, this Court is of the considered view that the present is not the case of tentative damages, rather the plaintiff had himself calculated the same and given the detailed chart and thus, he had calculated the total damages as Rs.53,45,000/-. It has been held in case of **Jai Bhagwan Goel Vs. Harjeet Kaur and ors-CR No.2475 of 2017 date of decision 23.01.2020** by the Hon'ble Punjab and Haryana High Court that the plaintiff is liable to pay the Court fee on the tentative value as assessed by the plaintiff. The reference is also made to the judgment of **Gurpreet Singh Vs. New India Assurance Co. Ltd.-CR No.3602 of 2018, D/d 06.02.2020**-where it was held that since the plaintiff himself had specified the amount claimed in the plaint, therefore he is liable to pay the *ad valorem* court fee on his claim. Same is in the present case where plaintiff had claimed specific amount of Rs.53,45,000/- as damages which is liquidated amount but he*

had preferred the present suit showing in the main head note as suit for declaration and afterwards for recovery and that has been done only to evade the payment of ad valorem court fee. Therefore, in terms of Section 7(i) of the Court Fee Act, 1870, the plaintiff is liable to pay ad valorem court fee on the amount as claimed.

*The plaintiff had relied upon various judgments i.e. **Shiv Kumar Sharma Vs. Santosh Kumari (supra)**, this judgment is not applicable to the facts and circumstances of the present case as in this case no damages or mesne profits claimed. **Hem Raj Vs. Harchet Singh and ors (supra)** is already discussed in case cited as **Jai Bhagwan Goel (supra)**. Other judgments relied upon by the plaintiff are also not applicable to the facts and circumstances of the present case in view of latest judgment of Hon'ble High Court i.e. **Jai Bhagwan Goel (supra)**.*

Thus, in view of the above mentioned discussion, the plaintiff is directed to affix the ad valorem Court fee on or before next date of hearing i.e. 14.12.2021."

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.

06.12.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No