

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

CR No.1141 of 2016 (O&M)

Date of decision: 19th April, 2022

Roshani Devi

... Petitioner

Versus

Ravinder Kumar & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Longia, Advocate for the petitioner.

None for respondent No.1.

Mr. Aayush Gupta, Advocate for respondents No.2 to 4.

FATEH DEEP SINGH, J.

Plaintiff Roshani Devi (now petitioner) had instituted a suit for mandatory injunction seeking decree to execute and register the sale deed of land detailed and described in the suit and in the alternative seeking recovery of ₹ 33,14,500/- along with interest @ 2% per month from the date of sale deed till its realization. It was on the application of the defendant seeking direction to the plaintiff petitioner to affix ad-valorem Court fees, the plaintiff had taken the plea in her reply denying the contentions and taking the plea that she had sought in the alternative relief and therefore no Court fee is required to be affixed by way of alternative relief. The Court of learned Civil Judge (Junior Division), Kurukshetra vide orders dated 07.12.2015 directed the plaintiff to

deposit the ad-valorem Court fees and that is how the present civil revision petition has come about.

Upon hearing Mr. R.S. Longia, Advocate for the petitioner; Mr. Aayush Gupta, Advocate for respondents No.2 to 4 and perusal of the records.

The provisions of Section 7 (i) of the Court Fees Act, 1870 (in short, 'the Act') which are reproduced below to lay emphasis, ensures that in a suit for money, the Court fee is to be affixed according to the amount claimed.

“7. Computation of fees payable in certain suits –

The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:-

(i) for money – in suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically) – according to the amount claimed.”

Though the plaintiff surreptitiously had tried to camouflage the relief of specific performance as well as for recovery of a fixed amount by treating it to be a suit for mandatory injunction but the Court needs to be conscious of the relief that is being sought by the plaintiff petitioner which precisely to the mind of this Court is nothing but for recovery which has been given intentionally a different nomenclature and the Court below has rightly held in the impugned order that there is a demand of specific fixed amount along with interest by the plaintiff

and therefore had correctly ordered affixation of ad-valorem Court fees.

It is not a case covered under Section 7(iv) of the Act.

In the light of foregoing discussions, this Court does not find any illegality or perversity in the findings of the Court below. The revision petition being without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 19, 2022
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No