

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

CR-2309-2018 (O&M)

Date of decision: 16.08.2022

M/s Shankar Telnet

....Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ram Bilas Gupta, Advocate for the petitioner

Mr. Harsh Vardhan, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

The plaintiff while filing the suit has prayed for as under:-

*“It is, therefore, respectfully prayed that
(a) A decree of declaration to the effect
that the plaintiff is legally entitled to receive the
amount of Rs.20,00,000/- alongwith interest @ 18%
per annum from the date of its due till realization
from the defendants and the defendants are liable to
pay the same in all respects, may kindly be passed in
favour of the plaintiff and against the defendants.*

*(b) A decree for mandatory injunction
directing the defendants to generate the final bills in
the name of plaintiff thereof and to make the payment
of Rs.20,00,000/- alongwith interest @ 18% per
annum from the date of its due and to compensate the
plaintiff to the tune of Rs.1,00,000/- for causing great
mental tension, agony, harassment to the plaintiff,
immediately may kindly be passed in favour of the
plaintiff and against the defendants along with cost of
the suit.*

*(c) Any other relief, which this Hon'ble
Court deems fit and proper may also be passed in
favour of the plaintiff and against the defendants.”*

The trial court, after examining the pleadings made in the
plaint directed the plaintiff to pay ad valorem court fee on the amount of
Rs.20,00,000/- as the amount claimed is definite and specific.

Learned counsel representing the petitioner contends that the suit is for grant of decree of declaration and mandatory injunction and not for the recovery. It is evident that the plaintiff in para No. 9 has specifically stated that the defendants have failed to make out the outstanding payments of Rs.20,00,000/- alongwith interest at the rate of 18%. In para 10, once again, an amount of Rs.20,00,000/- has been recited. The prayer made in the suit is also to the same effect. Hence, no ground to interfere is made out.

Dismissed.

However, the petitioner shall be at liberty to make good the deficiency within a period of 15 days, from today.

All the pending miscellaneous applications, if any, are also disposed of.

16.08.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE