

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

107

**CR-4755-2018(O&M)
Date of Order: 02.04.2022**

MANOJ AND ORS

..Petitioners

Versus

RAM SARUP AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Girotra, Advocate and
Mr. Akshit Grover, Advocate
for the petitioners.

Mr. Parveen Kumar, Advocate
for Mr. Abhimanyu Singh, Advocate
for respondent No.1

ANIL KSHETARPAL, J(Oral)

The petitioners have filed the first appeal challenging judgment and decree dated 04.12.2017, while directing them to pay Rs.10,00,000/- along with the interest at the rate of 12% per annum from 25.10.2007 till its realization. The dispute is whether the petitioners are liable to pay the ad valorem court fee on the amount of Rs.10,00,000/- or Rs.7,00,000/-.

Some facts are required to be noticed.

The respondents filed a suit for decree of specific performance of the agreement to sell dated 20.03.2007, with respect to the land measuring 60 kanals and 12 marlas. The plaintiff claimed that the aforesaid land was agreed to be sold by the defendant at the rate of Rs.5,30,000/- per acre. The plaintiff valued his suit for the purpose of court fee and jurisdiction at Rs.7,00,000/- and deposited ad valorem court fee of Rs.32,400/- on the said value. The learned trial Court did not grant the decree for specific performance of the agreement to sell. The Court held that the plaintiff is entitled to the refund of the earnest money of Rs.7,00,000/- along with

damages of Rs.3,00,000/- along with interest at the rate of 12% per annum from 25.10.2007. The aforesaid judgment and decree has been put to challenge by defendant No.1, 2 and 5. As already noticed, the petitioners have deposited ad valorem court fee on the amount of Rs.7,00,000/-.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

The learned counsel representing the petitioners contends that the plaintiffs (respondents) have paid the ad valorem court fee on the amount of Rs.7,00,000/- and now, the petitioners cannot be directed to pay court fee on the amount of Rs.10,00,000/-.

Per contra, the learned counsel representing the respondent submits that once amount has been determined which forms the subject matter of the appeal, then, the petitioners are liable to pay the ad valorem court fee on Rs.10,00,000/-.

The payment of court fee is dependent upon the subject matter of the appeal. In the present case, the subject matter of appeal is the direction of the trial Court directing the petitioners to pay Rs.10,00,000/-. Hence, the court fee is payable on the aforesaid amount.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

April 02nd, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No