

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

CR-734-2021 (O&M)
Date of decision: 21.12.2022

Mani

....Petitioner

Versus

Murgan

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Naveen Kaushik, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. Despite the service of notice, the respondent remains unrepresented. The challenge is to the correctness of the order passed by the trial court while dismissing the defendant's application under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint. The petitioner claims that the ad valorem court fee is payable, on the amount of damages claimed by the plaintiff. The court has dismissed the application on the ground that the quantification of the damages is yet to be assessed by the court.

2. This revision petition has been filed to challenge the correctness of the order dated 02.03.2020.

3. Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook.

4. It is evident from the reading of the plaint that the plaintiff (respondent) while filing the suit has claimed recovery of damages to the tune of Rs.2,00,000/- alongwith interest at the rate of 18% for the loss of reputation, agony and mental & physical harassment faced by the

plaintiff due to the malicious prosecution.

5. In view of the judgment passed by the Supreme Court in **State of Punjab and others vs. Dev Brat Sharma (Civil Appeal No. 2064 of 2022)** (arising out of SLP (Civil) No. 12468 of 2018 decided on 16.03.2022), the plaintiff is liable to pay the ad valorem court fee on the definite amount claimed by the plaintiff in this plaint. Hence, the impugned order is set aside. The trial court is requested to grant opportunity to the plaintiff to make good the deficiency, if any.

6. With these observations, the revision petition is disposed of.

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

21.12.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE