

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

CR No.1230 of 2022

Date of Decision: 04.04.2022

Balbir Singh and another

.....Revisionists-petitioners.

Versus

Kashmir Singh and others

.....Respondents.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Amandeep Singh Manaise, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the order dated 10.02.2022 (Annexure P-5) handed down by learned Civil Judge (Junior Division), Gurdaspur (for short 'the trial Court') whereby the application (Annexure P-3) moved by the petitioners (arrayed as defendants No.4 and 5 in the Civil Suit) under Order 7 Rule 11 CPC for seeking rejection of the plaint on the ground of non-affixation/payment of the requisite court-fee, has been dismissed, the petitioners have chosen to prefer the instant revision petition.

As per the brief factual-matrix culminating in the present revision petition, respondent No.1-plaintiff has filed a Civil Suit against the petitioners as well as proforma respondents No.2 to 4 for seeking the recovery of an amount of Rs.50 lac from them as compensation/damages, for defaming him by levelling false allegations against him in a criminal case registered with the Vigilance Bureau, Amritsar. The petitioners preferred the above-said application while averring that the plaint was

liable to be rejected as the *ad-valorem* court-fee had not been affixed thereon and this application has been dismissed vide the impugned order.

I have heard learned counsel for the petitioners in this revision petition at the preliminary stage and have perused the file carefully.

Learned counsel for the petitioners contends that respondent No.1-plaintiff has claimed the quantified compensation/damages in the said Civil Suit and therefore, he was required to affix the requisite *ad-valorem* court-fee on the plaint accordingly whereas he has filed this Suit while affixing the court-fee of Rs.50/- only on the plaint and it being so, the impugned order is not legally sustainable and is liable to be set-aside.

However, it is worth-while to mention here that it has categorically been held by the Apex Court in **Sri Rathnavarmaraja Versus Smt. Vimla 1961 AIR (Supreme Court) 1299** that “*the question of affixation/payment of the Court fee is between the plaintiff and the State and the said defendant had no right to move the superior Courts by way of appeal or revision petition in the eventuality of the said question having been decided against him*”. In the light of the afore-cited observations, it is explicit that the instant revision petition deserves dismissal.

Resultantly, the same stands dismissed accordingly.

April 04, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>