

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

CR No.2123 of 2022

Date of Decision: 01.06.2022

Mrs. Manjit Kaul

.....Petitioner

Versus

Mr. Anil Kumar

.....Respondent

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

Present:- Mr. Mandeep Kumar Dhot, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved by the order dated 14.03.2022 (Annexure P-3) passed by learned Additional Civil Judge (Senior Division), Kapurthala (for short 'the trial Court') whereby the application moved by the respondent-defendant (here-in-after to be referred as 'the defendant') under Order 7 Rule 11 read with Section 151 CPC for seeking the rejection of the plaint, has been disposed of while observing that the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') is liable to pay the *ad-valorem* court fee qua the relief of recovery of Rs.10 lac, she (plaintiff) has preferred the instant revision petition.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision petition and have also perused the file carefully.

3. Learned counsel for the plaintiff contends that the plaintiff is ready to affix the proper court fee on the plaint at the time of final decision of

the civil suit filed by her against the defendant and therefore, the impugned order requiring her at the very initial stage in the suit, to affix the *ad-valorem* court fee on the amount of the damages claimed by her, is not legally sustainable and deserves to be set-aside.

4. However, the afore-raised contention is *sans* any merit because in para no.4 of this revision petition, it has categorically been mentioned that the plaintiff filed the above-said civil suit against the defendant for seeking a decree for recovery of Rs.10 lac as damages on account of the defamatory language used by him to tarnish her image and reputation. Thus, the plaintiff has quantified the amount sought to be recovered from the defendant as damages and it being so, the said civil suit falls within the category of money suits. Section 7 (i) of the Court Fees Act, 1870 provides that in the suits for money (including suits for damages or compensation etc), the amount of the court-fee payable, shall be computed according to the amount claimed. In these circumstances, it is quite explicit that the plaintiff is required to pay/affix the *ad-valorem* court fee on the plaint in accordance with her claim for the recovery of the amount of Rs. 10 lac from the defendant as damages.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being devoid of any merit, stands dismissed.

June 01, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>