

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

129

CR-2193-2022

Date of decision: 30.05.2022

Tek Ram

.....Petitioner

Versus

Jyoti and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satpal Bhasin, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India with a prayer to set aside order dated 19.04.2022 (Annexure P-4) passed by learned Civil Judge (Jr. Divn.), Sonapat vide which an application filed by the respondents/defendants was partly allowed and the petitioner was directed to affix the requisite advalorem Court fee.

Learned counsel for the petitioner submits that the impugned order dated 19.04.2022 (Annexure P-4) is contrary to the settled law and the petitioner has been wrongly directed to affix ad valorem Court fee on the plaint. He submits that since the claim of damages to the tune of Rs.10 lakhs was only tentative and the exact amount of damages was yet to be determined by the trial Court after considering the evidence led by the parties, the petitioner was not required to affix ad valorem Court fee.

I have heard learned counsel and perused the material on record.

It would be relevant to reproduce Section 7(i) of the Court

Fees Act, 1870, which reads as follows:-

“7(i) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed.”

A perusal of the aforementioned provision leaves no room for doubt that the Court fee payable on the suits falling under this class, would be as per the amount claimed therein.

The Hon'ble Supreme Court in ***State of Punjab and others Vs. Dev Brat Sharma : 2022(2) RCR (Civil) 464*** has categorically held as under:-

“20. The moot question for consideration is whether the suit in question as framed was a money suit for compensation/damages falling under Clause (i) of Section 7 or was a suit falling in any of the categories specified in clause (iv) of Section 7 of the Act. A reading of the relief clause would make it abundantly clear that this was a money suit for compensation/damages and not falling under any of the categories mentioned in clause (iv) of Section 7 of the Act. Therefore, there would be no question at all for the applicability of Section 7(iv) of the Act. It would be a simple case of applicability of Section 7(i) of the Act and ad valorem Court-fees would have to be paid as per Schedule 1 entry 1.

21. It is only with respect to the category of suits specified in clause (iv) of Section 7 of the Act that the plaintiff has the liberty of stating in the plaint the amount at which relief is valued and Court-fees would be payable on the said amount. Liberty given under clause (iv) to the specific suits of six categories is not available to the suits falling under any other clause, be it (i), (ii), (iii) etc. Once the suit in question was a money suit for compensation and damages falling under clause (i) of Section 7 of the Act, ad valorem Court-fees would be payable on the amount claimed.”

Hence, there is no merit in the instant revision petition, which stands dismissed.

30.05.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No