

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6297-2019 (O&M)
Date of decision: 29.09.2022

M/s R.D. Saw Mill

....Petitioner

Vs.

The District Forest Officer, Ambala

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Jattan, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CM-13051-CII-2022

For the reasons stated in the application, same is allowed and copy of the plaint dated 01.04.2015 of Civil Suit No.141/2015 titled as M/s R.D. Saw Mill Vs. DFO (T) Ambala is taken on record as Annexure A-1.

CM stands disposed of.

CR-6297-2019

Prayer in this petition is for setting aside the order dated 02.09.2019, vide which application filed by the respondent-defendant under Order 7 Rule 11 CPC, for rejection of the plaint on account of non-deposit

of ad-valorem Court fee, was allowed by the trial Court and the petitioner-plaintiff was directed to pay the ad-valorem Court fee on the amount of Rs.4.00 lacs for non-supply of timber wood and additionally, an amount of Rs.20.00 lacs for financially and mentally harassing the plaintiff.

Learned counsel for the petitioner submits that the petitioner will deposit ad-valorem Court fee on a sum of Rs.4.00 lacs, which is the suit value, for non-supply of timber wood. It is further submitted that since the assessment on account of causing mental and financial loss, the petitioner-plaintiff has tentatively valued the suit to the tune of Rs.20.00 lacs and this amount is yet to be ascertained by the trial Court, therefore, he has affixed the Court fee of Rs.25.00 at this stage. It is also submitted that the petitioner will pay the Court fee, as directed by the trial Court, in case his suit is decreed qua the amount of Rs.24.00 lacs as well as over and above any amount, which is granted on account of harassment caused to the petitioner-plaintiff, for delaying the supply of timber wood. Learned counsel has relied upon judgments of this Court in **Subhash Chander Goel Vs. Harvind Sagar, 2003 AIR (Punjab) 248** and **State of Punjab Vs. Jagdip Singh Chowhan, 2005 (1) RCR (Civil) 54**, wherein the similar observations are made by this Court.

Learned State counsel has, however, submitted that since in the plaint, the plaintiff-petitioner has himself quantified the amount of compensation, the trial Court has rightly directed him to pay the ad-valorem Court fee on the entire amount of Rs.24.00 lacs.

After hearing learned counsel for the parties and considering fact that primary claim of the petitioner-plaintiff is with regard to Rs.4.00 lacs on account of non-supply of timber wood and with regard to the damages, the plaintiff has tentatively assessed the value as Rs.20.00 lacs to be finally adjudicated upon by the trial Court, present petition is allowed and the impugned order dated 02.09.2019 is set aside.

The petitioner-plaintiff is granted one month's time from today to deposit the ad-valorem Court fee for a sum of Rs.4.00 lacs only and the ad-valorem Court fee on the amount claimed for the damages will be assessed by the trial Court at the time of final adjudication of the case.

[ARVIND SINGH SANGWAN]
JUDGE

29.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No