

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

CR 1313 of 2018 (O&M)

Date of Decision: April 18, 2022

Sandeep Kumar Verma

...Petitioner

Versus

Narinder Pal Singh Judge and others

... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. J.S. Lalli, Advocate
for the petitioner.

Mr. S.S. Chatrath, Advocate
for respondent No.1.

Mr. Nakul Sharma, Advocate
for respondent No.2.

FATEH DEEP SINGH, J. (Oral)

The short point involved in this revision petition under Article 227 of the Constitution of India is over an order dated 05.12.2017 (Annexure P-1) passed by the Court of learned Additional Civil Judge, Senior Division, Jalandhar, wherein a suit for recovery of Rs.50 lacs as compensation and

damages on account of harassment and loss of income etc., has been filed. The plaintiff had tried to evade his obligation of affixing Court fees and have valued the suit tentatively to the tune of Rs.500/- and an application under Order 7 Rule 11 CPC has been moved by the defendants for rejection of the plaint and it was vide order dated 05.12.2017 (Annexure P-1), the Court of learned Additional Civil Judge, Jalandhar directed the plaintiff to affix advalorem court fee on the plaint which is subject matter of present challenge.

Heard counsel for the parties and perused the records.

Appreciating the submissions of the two sides though on behalf of the revisionist Mr. Jagjot Singh Lalli has placed reliance on Sri Rathnavarmaraja Vs. Vimla 1961 AIR (SC) 1299, Subhash Chander Goel Vs. Harvind Sagar 2003 AIR (Punjab) 248, Saleem Vs. Usman Gani and another 2015 (2) PLR 39, Amandeep Sidhu Vs. M/s Ultratech Cement Limited and others 2015(1) Law Herald 767, Tarwinder Kumar

Bedi Vs. Jit Parkash 2015(2) PLR 92 and Shiv Kumar Sharma Vs. Santosh Kumari 2008(2) BCR 213 and to controvert it learned counsel for the respondents has cited State of Punjab and others Vs. Dev Brat Sharma Civil Appeal No.2064 of 2022.

The provisions of Section 7(i) of the court Fee Act 1870 makes it clear that in money suits including suit for damages etc., the court fee payable is according to the amount so claimed and, therefore, in a suit for recovery of such damages, the plaintiff is required to pay court fee according to the subject matter of the suit. Since in the present case, the plaintiff has sought damages to the tune of Rs.50 lacs and has not even valued his reliefs tentatively to enable him to affix court fees as per his tentative valuation and straightaway sought recover of a sum of Rs.50 lacs and, therefore, in terms of Section 7(i) of the Court Fees Act is supposed to pay court fees on this and similar view is laid down in **State of Punjab and others** case (supra) where in a similar preposition of law, it has

been held that where liquidated damages as is there in the present case have been sought, to the specific tune of Rs.50 lacs and, therefore, is supposed to pay advalorem court fee on the suit amount. Since Rs. 50 lacs have been sought as damages, the plaintiff is under obligation to affix the Court fees accordingly as per advalorem valuation. The Court below in the impugned findings has rightly held by virtue of order dated 05.12.2017 (Annexure P-1) that when the plaintiff is seeking compensation of Rs.50 lacs so he is supposed to affix Court fees accordingly and has rightly concluded that there is specific amount of damages that is being claimed and, therefore, cannot escape his obligation of paying advalorem court fees. This Court does not find any infirmity in the orders under assail and which needs to be upheld.

The instant revision without being any merits stands dismissed.

April 18, 2022

(FATEH DEEP SINGH)

amit rana

JUDGE

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