

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.71 of 2023
Date of Decision: 09.01.2023

Ramesh Kumar

..... Petitioner

Versus

Rohit Sharma

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Viren Sibal, Advocate for the petitioner.

Nidhi Gupta, J.

Prayer in the present Revision Petition is for setting aside order dated 04.10.2022 vide which the petitioner/plaintiff has been directed to affix ad valorem Court fee on the amount of Rs.1,20,000/-, the amount claimed by the petitioner/plaintiff from the respondent/defendant in the Civil Suit for damages of recovery filed by the petitioner against the respondent.

Learned counsel for the petitioner submits that the petitioner has filed a suit for damages of recovery on account of mental and physical agony, loss of work and loss of reputation against the present respondent/defendant, for filing false civil suit against the petitioner in Civil Court Amloh titled as "Rohit Sharma Vs. Ramesh Kumar" which was withdrawn on 13.07.2019. The respondent/defendant filed an application under Order 7 Rule 11 CPC, for rejection of the plaint on the ground that the petitioner had not deposited ad valorem Court fee and/or in alternative directing the petitioner/plaintiff to affix ad valorem Court fee on the plaint. Vide impugned order, the petitioner has been directed to affix ad valorem Court fee on the amount of Rs.1,20,000/-.

Learned counsel for the petitioner submits that the petitioner is an indigent person who does not have money to meet his own day to day expenses and it is impossible for him to pay the ad valorem Court fee imposed on him vide the impugned order.

Heard learned counsel for the petitioner.

The law on this issue is very clear. As per judgment of the Hon'ble Supreme Court in **Civil Appeal No.2064 of 2022 titled as "State of Punjab and Others Vs. Dev Brat Sharma"** it has been held that ad valorem Court fee is payable on the amount of damages claimed. A perusal of the Civil Suit filed by the petitioner/plaintiff Annexure P1 shows that in Para 8 thereof, the petitioner has claimed damages to the tune of Rs.1,20,000/- along with interest @ 18% per annum. Learned counsel for the petitioner is unable to dispute this legal or factual position.

Accordingly, I find no error in the order passed by the learned Court below. Present Revision Petition therefore, stands dismissed.

09.01.2023

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No