

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

CR-604-2020 (O&M)
Date of decision: 01.05.2023

Anil Kumar Jain

...Petitioner

VS

Director General, State Transport, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Alok Jain, Advocate,
For the petitioner.

Mr. Maninder Singh Sidhu, Advocate
For respondent No.3.

ARUN MONGA, J. (ORAL)

Present revision petition is to set aside impugned order dated 07.11.2019 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Rohtak vide which application filed under Order 7 Rule 11 read with Section 151 CPC for rejection of the plaint moved by defendant/respondents, was allowed and plaintiff/appellant was directed to affix the deficient *ad valorem* Court fee.

2. Brief facts first, as pleaded in the instant petition.

2.1. Petitioner filed suit against respondent/defendant for damages on account of defamation, causing physical and mental harassment on the averments that petitioner/plaintiff had to travel by Haryana Roadways

Bus on 30.11.2016 from Rohtak to Gurugram for attending to a case at

District Courts at Gurugram and paid bus fare through old demonetized currency note of Rs.500/- which was received by defendant/respondent No.3 reluctantly and upon heated exchange. The balance in a sum of Rs.430/- was not immediately returned and instead, defendant/respondent No.3 recorded a note at the back of bus ticket.

2.2. Upon reaching Gurugram, defendant/ respondent No.3 offered a sum of Rs.300/- on the pretext that market value was Rs.350/- and Rs.20/- was being paid extra. Defendant/respondent No.3 also misbehaved and humiliated the petitioner. The rude and aggressive behavior of defendant/respondent No.3 was wholly unbecoming of a public servant. Due to the scuffle, petitioner had to travel by foot for attending to his Court case and by the time, he reached the Court, the matter was already adjourned. Petitioner faced a lot of difficulties while returning home. It was in these circumstances that a suit for damages was filed.

2.3. Upon service, defendants No.2 and 3 appeared and filed application under Order 7 Rule 11 CPC, which was allowed vide order impugned herein. Hence the instant petition.

3. Learned counsel for petitioner argues that learned Court below misdirected itself in law in not drawing distinction between suit for damages and suit for recovery of liquidated sum. Provisions of Order 7 Rule 11 CPC are not applicable to the facts of the present case and the suit of petitioner/plaintiff has not been properly valued for the purpose of Court fee and jurisdiction and no *ad valorem* Court fee is required to be paid.

4. Learned counsels for respondent(s) vehemently oppose the civil revision and submit that plaintiff/petitioner in his plaint has specifically claimed amount of Rs.1,11,430/- as damages and has been rightly directed to affix *ad valorem* Court fee.

5. I have heard learned counsel for parties and gone through the case file.

6. Order assailed herein is premised *inter alia* on the following reasoning:

“5. In the case titled as Sunita Rani and another Vs. State of Punjab and others(Supra) Hon'ble Punjab & Haryana High Court clearly held that when a suit is filed claiming a specific amount as compensation and also for the purpose of court fees the suit is valued at a particular amount then the court fees at the amount at which the jurisdiction and court fees has been valued by the plaintiff, would have to be paid by the plaintiff. In the present case para no.17 of the plaint reads as follows:-

That the value of the suit for the purposes of court fees and jurisdiction is fixed at Rs.1,11,430/- approximately and being a suit for damages on account of defamation, causing physical and mental harassment, a fixed court fees of Rs.25/- is being paid with the plaint. The plaintiff will pay the remaining court fees after decreeing the suit and as per directions of this Hon'ble court as per provisions of the law of the land and latest decision of our own High Court of Punjab & Haryana in C.R.No.5662 & 7342 dated 1.4.2016.

6. *Plaintiff has specifically valued the suit for the purpose of court fees and jurisdiction at Rs.1,11,430/- and hence in view of the judgment as stated above of Hon'ble Punjab & Haryana High Court as well as in view of law laid down in Ranjit Kaur and others Vs. Punjab State Electricity Board and another 2007(1) Civil Court Cases 388(P & H) and Manjeet Singh Vs. Beant Sharma 2012(4) PLR 287, the arguments advanced by ld. counsel for defendant are hereby accepted.*

7. *The judgment relied upon by ld. counsel for plaintiff pertains to suit for damages filed on account of defamation and malicious prosecution where the damages can not be quantified. The said judgment do not apply in the facts and circumstances of the present case. Hence, the application stands allowed in view of terms as stated above. Hence,*

plaintiff is directed to affix court fees on the value i.e. Rs.1,11,430/- by 3.12.2019.”

7. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction vested with this Court. Order impugned herein has been passed as per the ratio enunciated in the judicial precedents cited therein.

8. The contentions in the revision petition have been duly considered and rejected by Learned Court below by giving sound and convincing reasons in the impugned order, more particularly in the part extracted above. I am inclined to agree with the view thereon taken by learned Court below.

9. In the premise, petition herein is dismissed. It is made clear that, *ad valorem court fee* will have to be affixed as per the Court Fee Act on the quantum of amount sought to be recovered by way of money decree, so as to make the decree executable, in case claim is accepted.

10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

01.05.2023

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No