

[141] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3804-2022 (O&M)

Date of decision: 09.10.2023

Devinder Singh

..Petitioner

Versus

Kulwant Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jasbir Rattan, Advocate and Mr. Manu Rattan, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

[1] The issue with regard to liability to pay *ad valorem* Court fee on the amount claimed in a suit for recovery of damages has once again come up for consideration.

[2] The trial Court has held that the *ad valorem* Court fee is not payable. In fact, this issue has been finally settled by the Hon'ble Supreme Court in 'State of Punjab and others versus Dev Brat Sharma', 2022(2) RCR (Civil) 464. It is admitted fact that the plaintiff (respondent) while filing the suit has claimed a definite and specific amount in the suit in para No.6, the loss suffered by the plaintiff has been assessed at more than 20 lacs rupees. In para No.9 of the claim, the plaintiff once again claims that he has suffered loss of Rs.20 lacs again in para No.11 of the plaint, the recovery of Rs.20 lacs have been sought.

[3] Keeping in view the aforesaid facts, the impugned order is not sustainable and the same is set aside. The plaintiff is granted one month time to affix *ad valorem* Court fee on the amount of Rs.20 lacs, thereafter, the Court will proceed with the case.

[4] *Disposed of accordingly.*

October 09, 2023

'Rajneesh/Raman'

(ANIL KSHETARPAL)
JUDGE