

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 2400 of 2023****Date of Decision: 20.07.2023**

Sunita Jain

... Petitioner(s)

Versus

M/s P.L.Steel Industries and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Viren Jain, Ms. Komal Jit Kaur and
Ms. Tarranum Madan, Advocates
for the petitioner(s).

Mr. Atul Goyal, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The challenge is to the correctness of the order passed by the trial Court directing the plaintiff to pay *ad valorem* court fee on the quantified amount of ₹20,00,000/- which has been assessed as damages (tentatively) by the plaintiff.

2. Some facts are required to be noticed to comprehend the controversy involved in the present revision petition. The plaintiff (petitioner herein) filed a suit for grant of decree for recovery of ₹20,00,000/- tentatively, as damages along with the *pendente lite* and future interest @ 18% per annum. He valued the suit for the purpose of jurisdiction at ₹ 500/- tentatively upon which a court fee of ₹50/- was affixed. Upon the filing of an application by the defendant No.4 under Order VII Rule 11 of the Code of

Civil Procedure, 1908 (hereinafter referred to as “the CPC”), the Court

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found that the plaintiff is required to pay *ad valorem* court fee on the amount of compensation claimed in terms of the judgment passed by the Supreme court in *State of Punjab and Others v. Dev Brat Sharma 2022(2) RCR (Civil) 464*.

3. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper book.

4. The learned counsel representing the petitioner submits that a coordinate bench in *Ramandeep Singh v. Harinderpal Kaur (Civil Revision No. 6118 of 2022, decided on 22.12.2022)* has explained the judgment passed in *Dev Brat Sharma's case (supra)* and in identical facts, held that once the tentative amount of damages has been claimed, the plaintiff can be asked to affix the *ad valorem* court fee only on the determination of the particular amount of damages payable to her.

5. On the other hand, the learned counsel representing the respondents submits that in *Dev Brat Sharma's case (supra)* also an approximate amount was claimed. He also relies upon the judgments passed by the coordinate Benches in *S.R.Laddhar v. Mohan Nagpal and Others (Civil Revision No. 2326 of 2017, decided on 31.10.2022)*, *Risal Singh v. Vishav Nath and Another (Civil Revision No. 6809 of 2018, decided on 12.10.2022)*, *Gurdyal Singh alias Gurdial Singh and Others v. Mahender Singh and Others (Civil Revision No. 2047 of 2022, decided on 23.05.2022)* and *Advocate Radhey Shyam v. State of Haryana and Others (Civil Misc. No. 6164-CII of 2023 In/And Civil Revision No. 2599 of 2021, decided on 12.04.2023)* to contend that once the amount sought in the suit

has been assessed even though tentatively, the *ad valorem* court fee as the

amount claimed in the suit is liable to be affixed.

6. This Court has considered the submissions and carefully analysed the judgments passed by the Courts.

7. In para 2(vi) of the judgment passed in ***Dev Brat Sharma's case (supra)***, the plaintiff claimed that he has spent approximately ₹2,00,000/- on litigation. As such, he claimed damages of approximately ₹20,00,000/- including the litigation expenses. In para 21 of the aforesaid judgment, the Court noticed the various categories of suits specified in Section 7 of the Court Fees Act, 1870 (hereinafter referred to as “the 1870 Act”). The Court held that once the suit in question was a money suit for compensation and damages falling under Clause (i) of Section 7 of the 1870 Act, *ad valorem* court fee would be payable on the amount claimed.

8. It is evident that while deciding the ***Ramandeep Singh's case (supra)***, the Hon'ble Judge overlooked that fact. In fact, the attention of the Bench was not drawn to this part of the judgment passed in ***Dev Brat Sharma's case (supra)***.

9. In any case, whenever the plaintiff files a money suit for recovery either as damages or otherwise his assessment is approximate or tentative which is subject to the final determination by the Court. The liability to pay the court fee at the time of filing of the suit is not dependent upon the final determination by the Court. The court fee is payable on the amount claimed in the suit. Once the plaintiff has tentatively assessed the amount sought to be recovered in a money suit, Clause (i) of Section 7 of the 1870 Act, gets attracted. This is what has been explained in ***Advocate***

Radhey Sham's case (supra), ***S.R.Laddhar's case (supra)***, ***Risal Singh's***

case (supra) and *Gurdyal Singh alias Gurdial Singh’s case (supra)*.

10. Consequently, finding no merits, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

July 20, 2023
“DK”

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