

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

CR 3235/2023

Date of decision: 25.05.2023.

Parveen

.....**Petitioner**

Vs.

Smt. Shakuntla

.....**Respondent**

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Manoj Chahal, Advocate for the petitioner.

Nidhi Gupta, J.

Petitioner/plaintiff is in revision against the order dated 20.3.2023 (Annexure P-1) passed by Additional Civil Judge (Sr.Div.) Bhiwani whereby the application under Order 7 Rule 11 CPC filed by the defendant/respondent has been allowed and petitioner has been directed to affix proper ad valorem court fee in a suit for damages filed by him.

2. Facts in brief are that petitioner filed a suit for damages claiming damages of Rs.15 lacs along with interest @ 24%, against the defendant, from the date of false FIR till the actual realization of the amount “on account of mental, economical money loss, social reputation, physical harassment”.

3. Upon notice, defendant/respondent filed an application under Order 7 Rule 11 CPC stating therein that since the damages claimed were Rs.15 lacs hence plaintiff was liable to affix ad valorem Court fee as per claimed damages.

4. Petitioner filed reply to the said application stating therein that court fee was required to be paid on the amount to be adjudicated as damages by the Court and hence ad valorem court fee was required to be affixed on final adjudication of the matter.

5. Ld. trial Court after hearing both sides allowed the application filed by the defendant and directed petitioner/plaintiff to affix proper ad valorem court fee as per claimed damages amount. Hence, the present revision petition.

6. It is submitted by the ld. counsel for the petitioner that ld. trial court has erred in allowing the application of the defendant as ad valorem court fee is payable on the amount to be adjudicated as damages by the Court. In support relies upon judgment of this Court in **S. Ajit Singh Kohar v. Shashi Kant, (P&H) : Law Finder Doc Id # 657423**.

7. No other argument has been advanced on behalf of the petitioner.

8. Heard ld. Counsel.

9. In my view, the issue regarding Court-fees in a suit for recovery of damages where damages have been quantified by the plaintiff, is no longer res integra and it stands undisputedly settled by the Hon'ble Supreme Court in case of **State of Punjab and others v Dev Brat Sharma, Law Finder Doc Id # 1957286**, wherein their Lordships of the Hon'ble Supreme Court have held that:-

Civil Procedure Code, 1908, Order 7, Rule 11 read with Section 151 - Suit for recovery as damages - Court fees - Rejection of plaint - Held, suit for

damages, ad valorem Court-fees would be payable on amount of damages claimed - Dismissal of application for rejection of plaint on ground of deficient court fees set aside. (2012) SCC Online P&H 13081, relied on.

10. It is not disputed that in the suit for damages filed by the petitioner he seeks damages to the tune of Rs.15 lacs along with interest thereon. As such, in view of the above said categorical pronouncement by the Hon'ble Supreme Court, the petitioner can derive no benefit from the relied upon judgment in **Ajit Singh Kohar's** (supra) case, and petitioner would be liable to pay ad valorem court-fees on the amount of damages claimed. In this regard, reliance may also be placed upon judgments passed by this Court in **S.R. Laddhar v Mohan Nagpal and others, Law Finder Doc Id # 2073080;** and **FMI Limited v Annapurna Food Association, Law Finder Doc Id # 2019831.**

11. Accordingly, in view of the undisputed position in law as noticed above, the present revision petition is **dismissed.**

12. Application(s), if any, stand disposed of.

25.05.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No