

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 6037 of 2019**

**Date of Decision: 13.09.2023**

Sunita Devi and Another

... Petitioner(s)

Versus

Surjeet Singh

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Atul Lakhanpal, Senior Advocate  
with Mr. Deep Kanwal Singh, Advocate  
for the petitioner(s).

**Anil Kshetarpal, J.**

1. As per the office report, the respondent has been served with the notice of the revision petition, however, he has failed to enter appearance.

2. The dispute is with regard to the liability of the plaintiff to pay the *ad valorem* court fee in a suit for recovery of ₹10,00,000/- as compensation for malicious prosecution. The Court of first instance has dismissed the application under Order VII Rule 11 of the Code of Civil Procedure, 1908, while relying upon the various Single Bench judgments of this Court.

3. The learned senior counsel representing the petitioner submits that the Supreme Court in *State of Punjab and Others v. Dev Brat Sharma 2022(2) RCR (Civil) 464* has held that once a definite amount is claimed by filing a suit for recovery of money, then the *ad valorem* court fee on the

foresaid amount is liable to be paid. He further submits that the Supreme

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Court, after discussing various judgments passed by this Court, has held that the *ad valorem* court fee is payable.

4. Keeping in view the aforesaid facts, the present revision petition is allowed. The impugned order dated 10.05.2019 is set aside. The trial Court is directed to pass a fresh order after taking note of the recent judgment passed by the Supreme Court, within a period of one month from the date of receipt of a certified copy of this order.

**(Anil Kshetarpal)**  
**Judge**

**September 13, 2023**

**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No