

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CR No.7114 of 2023

Date of Decision: 28.11.2023

Angrej Singh and another

...Revisionists-Petitioners

Versus

Sukhmander Singh

...Respondent

**CORAM:**    ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

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Present:-     Mr. P.K.S. Phoolka, Advocate  
                     for the revisionists-petitioners.

**MEENAKSHI I. MEHTA, J.**

By filing the instant revision petition under Article 227 of the Constitution of India, the petitioners-plaintiffs (here-in-after to be referred as 'the plaintiffs') have laid challenge to the order (Annexure P-1) passed by learned Civil Judge (Junior Division), Bathinda (for short 'the trial Court') on 12.10.2023 in **Civil Suit No.2305 of 2018**, titled as '**Angrej Singh etc vs. Sukhmander Singh**', whereby the application Annexure P-5 moved by the respondent-defendant (here-in-after to be referred as 'the defendant') under Order 7 Rule 11 read with Section 151 CPC has been allowed and they (plaintiffs) have been granted twenty days' time to pay the ad-valorem Court-Fee.

2.             I have heard learned counsel for the petitioners-plaintiffs in the present revision petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the plaintiffs contends that the plaintiffs have instituted the above-referred Civil Suit for claiming compensation/damages to the tune of Rs.20/25 lacs from the defendant on account of their malicious prosecution at his (defendant's) instance and the afore-mentioned amount is tentative and hence, the plaintiffs are not required to affix the Court-Fee in accordance thereof and rather, they are supposed to affix the same as per the amount of damages/compensation that may be awarded to them by the Court and it being so, it is explicit that the impugned order is not legally sustainable and therefore, the same deserves to be set-aside. To buttress his contentions, he places reliance upon the observations as made by the Co-ordinate Benches in **Naveen Gulati Vs. Sanjeev Kumar and another 2019(1) PLR 708; Bikramjit Singh Vs. Mohinderjit Singh and others Law Finder Doc Id #1706638** and **Saleem Vs. Usman Gani and another 2015(3) RCR (Civil) 650.**

5. However, the above-raised contentions are devoid of any merit because a bare perusal of the copy of the Plaint (Annexure P-2) reveals that the plaintiffs have quantified the amount of damages/compensation sought to be claimed from the defendant and therefore, the provisions of Section 7 (i) of the Court-Fees Act, 1870 would be applicable to the afore-said Civil Suit and hence, the plaintiffs are required to pay the Court-Fee accordingly. Moreover, the Apex Court has categorically observed in a recent judgment rendered in **State of Punjab and others Vs. Dev Brat Sharma 2022(2) RCR (Civil) 464** that '*in a Suit for recovery as damages, the ad-valorem Court-Fees would be payable on the amount of the damages claimed*'. In

view of these observations, the verdicts handed down by the Co-ordinate Benches in *Naveen Gulati (supra), Bikramjit Singh (supra) and Saleem (supra)*, would be of no avail to the petitioners.

6. As a sequel to the fore-going discussion, this Court is of the considered opinion that the impugned order Annexure P-1 does not suffer from any illegality, infirmity, irregularity, or perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being bereft of any merit, stands dismissed.

November 28, 2023  
pooja

(MEENAKSHI I. MEHTA)  
JUDGE

|                                   |            |
|-----------------------------------|------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> |
| <i>Whether Reportable:</i>        | <i>No</i>  |