



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

135

CR-5104-2024

Date of Decision: 11.09.2024

Amarjit Singh

....Petitioner

Versus

Harwinder Singh Saggu and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Lokesh Vohra, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

1. Challenge in this petition filed by plaintiff-petitioner under Article 227 of the Constitution of India is to order dated 28.05.2024 whereby the application under Order 7 Rule 11 CPC filed by the defendant has been disposed of directing the plaintiff/petitioner to pay *ad valorem* court fee on the amount of Rs.50,00,000/- claimed as damages. During the course of preliminary hearing, learned counsel for the petitioner had sought time to examine the dicta in *State of Punjab and others vs. Dev Brat Sharma, (2022) 12 SCC 221*.

2. Today, on resumed hearing, learned counsel for the petitioner seeks withdrawal of the present petition with liberty to seek amendment of the plaint before the trial Court restricting his claim to the amount on which

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ad valorem court fee would be affixed. Reliance is placed on the decision in ***State of Punjab vs. Jagdip Singh Chowhan and others*, (2022) 13 SCC 236.**

It is further submitted that the plaintiff is ready and willing to affix the requisite *ad valorem* court fee in consonance with the ratio of ***Dev Brat Sharma's case*** (supra) on the revised amount of damages, as may be allowed by the trial Court.

3. In view of above, no further orders are called for in the present petition. However, it is clarified that on moving an appropriate application seeking amendment as aforesaid, with a period of four weeks, the impugned order would not come in the way to grant appropriate relief in accordance with law.

4. Dismissed as withdrawn with liberty aforesaid.

September 11, 2024

Varinder

**(VIKAS SURJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No