

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

CR No.6964 of 2023

Date of Decision: 27.02.2024

Dalvir Singh @ Dalbir Singh @ Bhola

.....Revisionist-Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Ms. Satpreet Grewal Kapila, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has laid challenge to the order passed by learned Civil Judge (Junior Division), Hoshiarpur (for short 'the trial Court') on 25.10.2023 in the *Civil Suit No.1088 of 2022* titled as '*Dalvir Singh @ Dalbir Singh @ Bhola Vs. State of Punjab and others*', whereby the application Annexure P-2, as moved by respondent-defendant No.3 under Order 7 Rule 11 CPC for seeking the rejection of the plaint on account of non-affixation of the *ad-valorem* Court-fee thereon, has been allowed and he (plaintiff) has been directed to pay the same accordingly.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the plaintiff contends that the plaintiff has filed the above-referred Civil Suit for seeking the recovery of the sum of Rs.50 lac from the respondents-defendants (here-in-after to be referred as 'the defendants') as compensation/damages for his malicious prosecution but the afore-said amount is a tentative one and the actual amount shall be adjudicated by the trial Court at the time of finally deciding the Suit and therefore, the plaintiff is not required to pay/affix the *ad-valorem* Court-fee on the plaint in accordance with the above-claimed amount and in these circumstances, it becomes explicit that the impugned order is not legally sustainable and hence, the same deserves to be set-aside. To buttress her contention, she places reliance upon the judgment as handed down by the Co-ordinate Bench in **Raj Kumar and another Vs. Tarsem Raj Goyal and others, (2022) Law Today Live Doc. Id. 17064.**

4. However, the afore-raised contention does not hold any water because a bare perusal of the plaint Annexure P-1 reveals that the plaintiff has claimed the specific/quantified amount, i.e Rs.50 (fifty) lac, from the defendants as damages/compensation. Section 7(i) of the Court Fees Act, 1870 provides for computation of Court-fee in the money suits, including the suits for damages and compensation, in accordance with the amount claimed therein. It has categorically been held by Hon'ble Supreme Court in **State of Punjab Vs. Jagdip Singh Chowhan and others, Civil Appeal No.3987 of 2006, (decided on 29.05.2012)** that "*there can be no dispute that in a suit for malicious prosecution, ad-valorem Court-fee is payable*" and also in **State of Punjab & others Vs. Dev Brat Sharma, 2022(2) R.C.R**

(Civil) 464 that “in a suit where the amount of damages is claimed, the *ad-valorem* Court fees would be payable on the amount claimed”. In view of the above-discussed observations, the verdict rendered by the Co-ordinate Bench in *Raj Kumar and another (supra)*, is of no avail to the plaintiffs.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

February 27, 2024

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *Yes*