



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

140

CR-941-2025**Date of decision : 03.12.2025****Jitender****..... Petitioner****versus****Dwarka Prasad****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Navmohit Singh, Advocate
for the petitioner.

None for the respondent.

PANKAJ JAIN, J. (Oral)

1. The issue in the present case is qua fixing ad-valorem Court fee on the counter claim.
2. Defendant filed counter claim claiming entitlement of Rs.90,000/- on account of rent for 03 years for the period commencing from 01.03.2016 till 31.03.2019 @ Rs.2,500/- per month.
3. Plaintiff filed application under Order VII Rule 11 CPC seeking rejection of the counter claim on the ground that the Court fee was deficient. The counter claimant was required to pay ad-valorem Court fee, but has not paid the same. Trial Court dismissed the application holding that since the defendant has only proposed a tentative amount which is yet to be ascertained, the defendant cannot be called upon to pay Court fee.
4. In the considered opinion of this Court, the reasoning recorded by the Trial Court cannot be sustained.



5. Trite it is that the counter claim has to be treated as a
separate plaint having all the tapings thereof. Once the counter claimant
specifies the amount, he is bound to affix the ad-valorum Court fee as
per Section 7 of the Courts fee Act.
6. In view thereof, the impugned order dated 17.12.2024 is
hereby set aside. Trial Court is directed to decide the application afresh
in view of the observations made hereinabove, in accordance with law.
7. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

03.12.2025

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Whether speaking/reasoned :	Yes
Whether Reportable :	No